

HOUSE OF REPRESENTATIVES

WEDNESDAY, December 5, 1928

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father God, we pray that Thou wilt open our eyes that we may all see the glory of Thy manifold works. It is Thy will and desire that we shall walk in ceaseless surprise; that at every turning of the way we should discover unexpected glimpses of our God. Father in Heaven, we want our common lives elevated and made even sublime. If there is any Member fearing the morrow and wishing the morning would never come; if there is one who has passed into a shadow, or bewilderment, or perplexity, the blessed Lord give him quietness and calmness of spirit. Let Thy benediction come to our Speaker, all Members, and officers. When the day is ended, bless us all with quieting consciousness that we have been in the presence of our God. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees:

DETAIL OF A MEDICAL OFFICER TO THE HOUSE OF REPRESENTATIVES

Mr. BRITTEN (when the Committee on Naval Affairs was called). Mr. Speaker, before the House resolves itself into the Committee of the Whole House on the state of the Union, with the consent and approval of the Committee on Naval Affairs, I would like to offer a resolution. It is very short.

The SPEAKER. The gentleman from Illinois offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 253

Resolution requesting the Secretary of the Navy to detail a medical officer to the House of Representatives

Resolved, That the Secretary of the Navy is hereby requested to detail a medical officer of the Navy to be in attendance at the Hall of the House of Representatives during the sessions of such House.

Mr. BRITTEN. Mr. Speaker, I ask unanimous consent that I may address the House for one minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BRITTEN. Mr. Speaker, I presented this resolution to the Speaker during the last session, and also to the majority and minority leaders of the House. I am sure there will be no objection to its immediate consideration. During the final days of the last session of Congress one of our dear Members was taken away from us by God Almighty, almost under our very eyes. During that same session the gentleman from Arkansas [Mr. WINGO] was carried off the floor in a very weak condition. About that time the Secretary of the Navy, Mr. Wilbur, suggested that he would be very glad to detail to the floor of the House a medical officer of the Navy who would be well equipped to care for our immediate wants in cases of emergency. Secretary Wilbur is responsible for the presentation of this idea to the House. I think it would be a fine precautionary act to always have on the floor of the House a well-qualified medical man when we are in session. I hope the resolution may be passed.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. Without objection, the resolution will be considered as having been agreed to.

There was no objection.

The resolution was agreed to.

LEAVE OF ABSENCE

Mr. DYER. Mr. Speaker, I ask unanimous consent that my colleague, Mr. FAUST, who is quite ill in a hospital here, may be excused from attendance on the House and also from attendance on the Committee on Ways and Means during his illness. I am sure that all Members wish him, with me, a speedy recovery.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MODERNIZATION OF NAVAL VESSELS

Mr. BRITTEN. Mr. Speaker, I call up H. R. 11616, to authorize alterations and repairs to certain naval vessels.

The SPEAKER. The gentleman from Illinois calls up a bill, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar, and under the rule the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. MICHENER in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of H. R. 11616, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That for the purpose of modernizing the U. S. S. *Pennsylvania* and *Arizona* alterations and repairs to such vessels are hereby authorized at a total cost not to exceed the sum of \$14,800,000 in all. The alterations to the capital ships herein authorized shall be subject to the limitations prescribed in the treaty limiting naval armaments ratified August 17, 1923.

The CHAIRMAN. Under the rules of the House there are two hours of general debate, one hour to be controlled by those favoring the bill and one hour by those opposing it.

Mr. BRITTEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11616) to authorize alterations and repairs to certain naval vessels and had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT—THE BUDGET

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the Budget message may be read.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the Chair may lay the Budget message before the House. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the message.

[See Senate proceedings of this day, at page 65.]

Mr. TILSON. Mr. Speaker, I move that the Budget message just read be referred to the Committee on Appropriations and printed.

The SPEAKER. Without objection it is so ordered.

There was no objection.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL

Mr. WOOD, from the Committee on Appropriations, by direction of that committee, presented a privilege report on the bill (H. R. 14801, Rept. No. 1929) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes, which was read, and with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. BYRNS reserved all points of order.

MODERNIZATION OF NAVAL VESSELS

Mr. BRITTEN. Mr. Speaker, I call up the bill (H. R. 11616) to authorize alterations and repairs to certain naval vessels.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Michigan, Mr. MICHENER, will take the chair.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union, for the further consideration of the bill H. R. 11616, with Mr. MICHENER in the chair.

The Clerk read the title of the bill.

Mr. BRITTEN. Mr. Chairman, the bill has just been read. It occupies less than one-half of one page. It is noncontroversial. There is no minority report on the bill, and the intent of the bill is to do for the battleships, *Pennsylvania* and *Arizona*, what has already been done on six others of our first-line ships.

I take it there is no desire on either side of the House for general debate on this bill. If any Member desires me to explain the bill in part or in toto I will be very pleased to do so, but the bill really speaks for itself. It provides for modernization of these two vessels just as has been done on six others of our first-class ships.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes; gladly.

Mr. LAGUARDIA. I expect to ask some time in opposition to the bill.

Mr. BRITTEN. I did not know there was any opposition to the bill, Mr. Chairman. I am sorry and I apologize for my apparent haste to the gentleman from New York.

Mr. TILSON. Will the gentleman yield me three minutes?

Mr. BRITTEN. Yes; certainly.

Mr. TILSON. Mr. Chairman, I rise to discuss not the merits of the bill but rather the method of consideration of the bill.

A committee having the call on Calendar Wednesday comes in with a number of bills and they are called up in the order that suits the convenience of the committee. No one else knows in just what order the bills are going to be called up. Therefore, it often happens, in the stress of other business, that Members are not here when bills are called up which they might like to discuss or at least might like to hear discussed.

It occurs to me that it would be well in the case of any bill brought in on Calendar Wednesday that those in charge of the bill make every effort to have the bill discussed if anybody in the House wishes to discuss it. I think, further, that it might be well for those in charge of the bill, even if the bill is not controversial, to take the time to put in the RECORD something that will explain the bill to those who may not be present but who will read the RECORD. I make this suggestion that it may not come to pass that we have passed bills here practically by unanimous consent without anyone knowing just what is in the bills.

As this is the first Calendar Wednesday of this session, I am referring to the matter now, hoping that committees will follow the rule of having their bills discussed so far as there is time and desire on the part of Members to discuss the bills, and, at any rate, to place in the RECORD substantial reasons why each bill should be passed.

Mr. BRITTEN. Will the gentleman yield for a question?

Mr. TILSON. Yes.

Mr. BRITTEN. Is it the gentleman's idea that the committee should indicate now to the House the numbers of the various bills it expects to call up to-day?

Mr. TILSON. I do not know that that is absolutely necessary, although it might be a convenience; but in any case, when the bill is called up, I think the gentleman in charge of the bill should see to it that everyone has an opportunity to find out what is in the bill before it is passed.

Mr. BRITTEN. I agree with the gentleman.

Mr. LAGUARDIA. Mr. Chairman—

Mr. BRITTEN. Mr. Chairman, before the gentleman is recognized in opposition to the bill, will he allow me to proceed for two or three minutes?

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. BRITTEN. Following the suggestion of the distinguished majority leader, Mr. Chairman, I would like to say for the benefit of the House that the bill about to be considered authorizes the expenditure of \$14,800,000 on two ships.

This is a little bit higher than the cost of modernizing the *Oklahoma* and *Nevada*, which work is just about completed. The cost in this case is made higher not because of the increased cost of labor and materials, which is unimportant, but because of the new requirements of our modern Navy.

Aviation, radio, the tremendous increase in the ranges of our guns, the spotting of shots, all bring about additional expense in the modernization of our ships.

For instance, protection against submarine attack, putting great, big blisters on the sides and bottoms of our first-line ships, and changing the entire upper-deck construction so as to protect not only the ships but the men against air attacks, will cost \$1,630,000 on each of these ships.

Reboiling, requiring a complete new set of boilers larger than those originally installed in the ship, will cost \$1,500,000 per ship.

A new fire control and the changing of the masts—those basket masts that you all know as being typical of the American ships—will cost \$725,000 per ship.

Airplane handling arrangements—catapults—something entirely new on battleships, will cost \$105,000 for each ship. Then there are the antiaircraft batteries, which are something new, and probably the best equipment in the world for repelling aircraft attacks on battleships. They will be installed on the ships at a cost of a million and a half dollars a ship. The turret guns will be elevated. They now have an elevation of 15 degrees, and that will cost \$640,000 each. It will permit the elevation to be raised to 30 degrees and change the range from 24,000 yards to approximately 35,000 yards. It has been demonstrated that we can hit at 30,000 yards through proper spotting. Those are the principal changes to modernize

these ships, and they are almost in line with the modernization of the *Oklahoma* and the *Nevada*, which are about completed.

Mr. WINGO. Will the gentleman yield?

Mr. BRITTEN. Certainly.

Mr. WINGO. What will you do to the guns?

Mr. BRITTEN. Nothing. The guns themselves are not touched. But we do change the gun carriage, allowing it to be dropped lower; and we may change slightly the turret so as not to allow the upper part to interfere with the elevation. A change in the guns would be in conflict with the Washington treaty.

Mr. WINGO. The bill proposes to modernize these battleships, and we are now completing the modernization of two others. When these are completed they will have the same equipment that the other ships have.

Mr. BRITTEN. Four of the eight will not, because they go out of existence so early in the game that the department does not deem it advisable to go to that expenditure.

Mr. WINGO. When will they go out of the service?

Mr. BRITTEN. In 1936; that is, they may go out at that time.

Mr. WINGO. When these are modernized how many vessels of a capital character will remain in service that are not modernized?

Mr. BRITTEN. Three.

Mr. WINGO. Why not modernize them now?

Mr. BRITTEN. The department objects to putting more than three in the yard at any one time, for it takes two years to modernize these vessels.

Mr. WINGO. They do not feel like taking them all out of the service at one time?

Mr. BRITTEN. That is it.

Mr. WINGO. This is not in conflict with the Washington treaty, but how about your proposed conference with Stanley Baldwin?

Mr. BRITTEN. I hope it will not conflict with that. [Laughter.]

Mr. EDWARDS. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. EDWARDS. The total cost of this will amount to about \$14,000,000?

Mr. BRITTEN. Yes; \$14,800,000.

Mr. EDWARDS. What was the original cost of these vessels per ship?

Mr. BRITTEN. In their present form it would run probably to something between \$35,000,000 and \$40,000,000.

Mr. O'CONNELL. Each?

Mr. BRITTEN. Yes.

Mr. SABATH. Is this work being done in the Government yards?

Mr. BRITTEN. Yes. The work will probably be done in the Government yards, as in the past, because the Navy Department desires, and I think rightfully—although there is some disagreement in our committee about that—that the work ought to be done in the navy yards, for two reasons: The navy yards are thoroughly equipped to do this kind of general overhauling and repair work. In the second place, it is hard to estimate the cost of unknown obstacles that one will meet in the repair and alteration of the ships. Then there are 1,200 men who are attached to each of these ships, and many of them stay attached to the ships while they are in the navy yard. They, themselves, at their usual pay—and they are drawing pay anyway—do a certain amount of the work on these ships. If you turned the ships over to a private yard, we would have to make some disposition of these men.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. COOPER of Wisconsin. Do I understand the gentleman to say that it is proposed to change the guns on these ships so as to permit an elevation to 30°?

Mr. BRITTEN. They will change the gun carriage and the turrets, but the guns remain the same, and every gun now on the ship will be on the ship after it has been modernized. The changing of the guns, as I suggested to the gentleman from Arkansas [Mr. Wingo], would be held to be a violation of the treaty.

Mr. COOPER of Wisconsin. Did I understand the gentleman to say that by elevating the guns to 30° it would increase the range?

Mr. BRITTEN. Yes; to 35,000 yards.

Mr. COOPER of Wisconsin. That is 105,000 feet?

Mr. BRITTEN. Yes.

Mr. COOPER of Wisconsin. And that is about 20 miles?

Mr. BRITTEN. Yes; and we are hitting at 20 miles.

Mr. COOPER of Wisconsin. I am not much of a mariner, but as I understand it a ship is hull down at 15 miles on the ocean.

Mr. BRITTEN. Yes. As I stated a moment ago, with our modern arrangements, spotting from an airplane a mile in the air, we get a very effective target practice now at 18 and 20 miles, and we actually hit.

Mr. COOPER of Wisconsin. Does the gentleman think that fighting with battleships 20 miles apart will be effective?

Mr. BRITTEN. I hope, with my friend, that there will never be another opportunity to determine that positively, but if the opportunity ever does come, then I hope that every one of our ships will be able to shoot 20 miles, because I know they can hit at that distance.

Mr. SABATH. Mr. Chairman, will the gentleman yield again?

Mr. BRITTEN. Yes.

Mr. SABATH. Did I understand the gentleman to state that four of these battleships that have been modernized will be out of commission in 1930?

Mr. BRITTEN. No. I did not state that. I said that in 1936, under the Washington agreement, some of these ships may go out of commission. They may go, but four ships which have not been as completely modernized as these two will be may go out of service after 1932.

Mr. SABATH. And these are the four that may go out of commission?

Mr. BRITTEN. No; these are likely to stay in commission for 15 years. No one can tell.

Mr. SABATH. These two?

Mr. BRITTEN. Yes. They are among our very best ships and will be in the first line of our national defense.

Mr. SABATH. When were the *Arizona* and the *Pennsylvania* completed?

Mr. BRITTEN. I should think something like 12 or 15 years ago.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. VINSON of Georgia. On that point asked by the gentleman from Illinois [Mr. SABATH] these two ships under discussion can not be replaced under the Washington treaty until the beginning of 1934, and as it takes three years to construct one, new ships would not take the place of these until 1937.

Mr. BRITTEN. That is my impression. They can not be replaced before 1937. There is one other point I think of importance. Considerable money is being expended on these ships to make life not only more pleasant but safer for the 1,200 or 1,300 officers and men aboard each of these ships. I think that completes my statement about the bill.

Mr. VINSON of Georgia. As a matter of fact, it is set out in the bill that every alteration must be in accordance with the Washington treaty.

Mr. BRITTEN. Yes; the bill provides for that. I reserve the remainder of my time.

Mr. LAGUARDIA rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. LAGUARDIA. To obtain recognition in opposition to the bill.

The CHAIRMAN. Does any member of the Committee on Naval Affairs desire the floor in opposition to the bill? If not, the Chair recognizes the gentleman from New York for one hour.

Mr. LAGUARDIA. Mr. Chairman and gentlemen of the committee, I am opposed to this bill, and I shall vote against it. In all likelihood there will be many others voting against it. Having only recently announced to the whole world our desire to lead in disarmament, and our Secretary of State having just sponsored treaties for the outlawry of war, the first bill coming before the House of Representatives at this session is a bill authorizing an appropriation of \$14,800,000. So let the record at least show that this bill does not represent the unanimous view of the House of Representatives. The distinguished chairman of the committee made a fair presentation of the facts, aided by the distinguished gentleman from Georgia, and they would make it appear that this expenditure of \$14,800,000 is absolutely and immediately necessary. I maintain that it would make no real difference to the present efficiency of the Navy if this appropriation were not authorized to-day. These ships may be replaced in 1934—

Mr. VINSON of Georgia. Will the gentleman yield at that point for a moment?

Mr. LAGUARDIA. Certainly.

Mr. VINSON of Georgia. The gentleman is in error in that it only permits the laying of them down in 1934. As Congress

has authorized the replacement to commence in 1934, but it will be 1937 before they can be replaced.

Mr. LAGUARDIA. All right; 1937. I do not know whether it is the intention of the Naval Committee to press for the appropriation for this purpose during this session of Congress. It is very doubtful whether it will be possible. If this bill is not immediately passed by the Senate and approved by the President, it is not possible to obtain an appropriation until the first session of the next Congress. So that before actual work may be commenced on these ships it would be July 1 of 1930. The distinguished gentleman from Illinois pointed out that it would take two years to commence this work, so that the ships would not be modernized and the work completed before 1932. It would have five years of life, and I for one am hopeful—and I am sure the gentleman from Illinois is—that before 1937 Mr. BRITTEN and Mr. Baldwin will be able to get together. [Laughter and applause.]

Mr. BRITTEN. Will the gentleman yield for a question?

Mr. LAGUARDIA. Certainly.

Mr. BRITTEN. If Mr. BRITTEN and Mr. Baldwin do get together, as the gentleman from New York suggests in a resolution he presented to the House on yesterday or the day before, would it not be well to have these ships in very first-class shape for trading purposes, at least in 1932, 1936, or any time when a prospect of another conference might arise?

Mr. LAGUARDIA. That is a proper question, and permit me to say to the gentleman from Illinois that the whole trouble with this question of world disarmament has been that every nation seems to go to a conference with something up its sleeve to trade. I state we must meet each other in a true Christian attitude, with all the cards on the table, with the intention of doing something definite and certain to insure permanent peace, leaving all the military and naval experts at home, before we will be able to come to any understanding on disarmament with the peoples of the world. [Applause.]

The people of England and the United States want peace. The people of Germany and France want peace, and if they are left alone they will have peace; but as long as we authorize cruisers and we modernize battleships and want appropriations of millions of dollars and hundreds of millions of dollars for armaments so as to have something to trade, why, the other fellow is doing the same thing, and there is nothing to trade. I want to say that the gentleman from Illinois [Mr. BRITTEN] assumes the chairmanship of this important committee under the most promising auspices. The declaration to the world of his desire for reduction in naval vessels and resulting reduction of appropriations deserves the admiration not only of this country and this Government but of the wearied people of the world who look for permanent peace and disarmament. [Applause.]

Now, there has been a good deal of criticism of the Congress or House or some individual for allegedly usurping the powers of the Secretary of State. As I understand it, this is a representative Government, where the people are governed by their own consent. After all, the supreme power vests in the people. To Congress, being the direct representative of the sovereign people, is delegated that supreme power. The House of Representatives, elected every two years by the people, has the final say not only on questions of appropriating for maintaining the Government but in directing the policies of the various departments of the United States Government. Surely, the law-making branch can control an administrative or even executive official of the Government. There is nothing exclusive in the powers and prerogatives of the Department of State.

The Department of State with all of its dignity is subject to the will of the American people as expressed through its elected Representatives in the Congress. [Applause.] While, of course, it may lead to confusion and misunderstanding if we were to act as individuals in certain matters of foreign affairs, yet any resolution which is passed by this House directing the Secretary of State to submit a communication of this House to another parliamentary body in a foreign country with which we are at peace, the Secretary of State has no choice; he must submit that communication. And it is simply silly to state in a Republic having a representative form of government that the Secretary of State or the State Department would refuse to submit such a resolution of the House. It has been done in cases innumerable, and I am now collating various acts of Congress in which Congress has taken a decided stand in matters of foreign affairs, not always being in accord with the policy of the Department of State. So I am in hope that the Britten idea, which I have put in the form of a resolution and which the Speaker of this House has referred to the Committee on Foreign Affairs, will receive the very careful consideration of that committee, and later of this body.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. BRITTEN. I would like to say to the gentleman that on yesterday I received a cablegram from a member of the British Parliament, Commander Kenworthy, who expresses a very sincere desire to have a conference between a select committee of the House of Commons and a select committee of the House of Representatives of the American Congress.

Mr. LAGUARDIA. I am glad to hear it, and I am sure that the gentleman from Illinois, after his conversations with his colleagues, will be able to state that many Members of this House are anxious for such an informal conference.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield there?

Mr. LAGUARDIA. With pleasure.

Mr. MOORE of Virginia. The gentleman has stated that he has just introduced a resolution. Is it a House resolution or a joint resolution?

Mr. LAGUARDIA. It is a House resolution. We are asking a discussion with the elected representatives of the English people, the House of Commons of the British Parliament. The reason why I did not make it a joint resolution is that the members of the upper house of the British Parliament, the House of Lords, are appointed for life. They are not directly representatives of the British people. The members of the House of Commons, on the other hand, are elected by popular vote and are representatives of the people. The idea is to have Members of our House of Representatives confer with the members of the House of Commons—both elected representatives.

Mr. O'CONNELL. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. O'CONNELL. How does the gentleman reconcile that with the fact that the Secretary of State says that this procedure would be contrary to the Constitution?

Mr. LAGUARDIA. I think he is mistaken in that.

Mr. CONNALLY of Texas. When the meeting is over, what would the gentleman do about it?

Mr. LAGUARDIA. We are going to assert our powers.

Mr. CONNALLY of Texas. I am not talking about that. The gentleman is a member of the Committee on Foreign Affairs.

Mr. LAGUARDIA. The personal contact is very good.

Mr. CONNALLY of Texas. How would it be in Canada?

Mr. SABATH. It would be educational.

Mr. LAGUARDIA. Do not interrupt; just a moment. I think this matter is very meritorious. I know of no question more important to the people of this country or to the people of the world. And when a select committee of the House of Commons and a select committee of the House of Representatives would meet and compare notes and come to some unofficial understanding, if you please, as to future armament, and on returning home follow that program in the appropriations for armaments, the diplomatic services of the countries would then be compelled to get together to sign a formal treaty carrying out such an understanding. As long as we have diplomats, and as long as we have military experts, and as long as we have Army and Navy lobbyists, and as long as we have profiteers who make profits out of wars we will never be able to come to real disarmament or to an understanding that will assure the peace of the world.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. MOORE of Virginia. Going back to the merits of the resolution which the gentleman has introduced, is it proposed to make a request or recommendation to the President that he will bring about a conference?

Mr. LAGUARDIA. Oh, no.

Mr. MOORE of Virginia. Is it proposed that the House shall act alone?

Mr. LAGUARDIA. My resolution is very simple. It directs the Secretary of State to submit to the British Government for transmission to the House of Commons without addition, change, or amendment, a resolution of this House, and the resolution simply expresses a desire for a meeting with the House of Commons.

Mr. BRITTEN. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. I yield to my colleague.

Mr. BRITTEN. I could not do otherwise but take cognizance of the remark of the distinguished Senator elect from Texas, who as a Member of the House has himself taken part in some of these so-called informal conferences. Now, I presume, when he goes over to the Senate he will probably adhere to the traditions that are to be expected to be observed by the other side of the Capitol.

Mr. CONNALLY of Texas. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Certainly.

Mr. CONNALLY of Texas. I am still a Member of the House and I am desirous of faithfully performing my duties in my present position. I may say to the gentleman further that I am just as much concerned in performing my duties in the House as a part of the legislative branch of the Government as I expect to be in performing my duties in the other body.

I would like to have the gentleman explain whether he would have the House of Commons and the House of Representatives usurp the functions of the Executive? I thought he would be very well content to let the President, in the few remaining months of his term, continue to exercise his functions, rather than have the House of Representatives assume those of the Executive, and have the Committee on Naval Affairs and the Secretary of the Navy usurp functions not their own and add to them diplomatic functions. The gentleman from New York has heretofore performed other quasi-diplomatic functions in the House, and I do not see why he should not get on the Committee on Naval Affairs.

Mr. BRITTEN. We hope he will be able to take part in the diplomatic affairs of the Senate because we all admire him so.

Mr. LAGUARDIA. The gentleman from Texas having expressed himself as desirous of attending to his present duties rather than to his future duties we hope that he will consider my resolution with an open mind, with such careful consideration that he usually gives to matters coming before his committee. After he has looked into the precedents and given them consideration I feel confident that he will have no doubt as to the propriety and constitutionality of my resolution now before the Committee on Foreign Affairs.

Mr. COOPER of Wisconsin. Will the gentleman allow me to ask him a question?

Mr. LAGUARDIA. Certainly.

Mr. COOPER of Wisconsin. Inasmuch as there is an attempt made to raise here the question of principle and of an alleged usurping of the functions of the Executive Department, I would like to ask the gentleman from New York wherein there is any difference in principle between the meetings to-day of the so-called Interparliamentary Union, which are voluntary meetings of members of different parliaments, and the meeting which was suggested to Premier Baldwin by our friend from Illinois [Mr. BRITTEN].

Mr. LAGUARDIA. There is no difference at all.

Mr. COOPER of Wisconsin. No difference whatever in principle.

Mr. LAGUARDIA. No. And assuming we did not have the precedent of the annual meetings of the Interparliamentary conferences, the fact remains, nevertheless, that Congress is the supreme branch of the American Government and Congress may direct the Secretary of State to transmit any communication it desires to a foreign country.

Mr. COOPER of Wisconsin. Will the gentleman permit another suggestion?

Mr. LAGUARDIA. Certainly.

Mr. COOPER of Wisconsin. The Interparliamentary Union meets in various cities of the world and adopts resolutions, some of them very strong in character, expressing unqualifiedly sometimes the unanimous opinion of the various members assembled; but that does not bind the Congress of the United States, nor the parliament of any other country; neither would a meeting of the committees, as suggested to Premier Baldwin by the gentleman from Illinois [Mr. BRITTEN], in any wise bind the Congress or usurp any function of the executive department, would it?

Mr. LAGUARDIA. Not at all. And let me say that the resolutions adopted by these interparliamentary conferences have been productive of a great deal of good. We have not felt it so much here, being distant from the close associations of the countries of Europe, but many customhouse questions and boundary-line questions have been taken up by the interparliamentary conferences and the resolutions adopted and submitted to the various governments have been followed. And after all, gentlemen, the day of the diplomat and of the envoy plenipotentiary with full powers is passed. The laws and precedents as to the customs and powers of ambassadors were made in the days of sailing ships and in the days of stage coaches, when it took weeks and months to get a communication from one country to another and a reply back, but to-day all of the negotiations are conducted right from the home. The radio, cable, railroads, airplanes, and steamships have made an ambassador only a messenger boy in spats.

Mr. SABATH. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SABATH. By eliminating the ambassador and minister

whom will you have there to take care of the introduction of our ladies to the various courts of Europe?

Mr. LAGUARDIA. The gentleman answers his question. I am not eliminating the ambassadors, because they have a social function to perform, and of course they are necessary.

Mr. SABATH. The gentleman knows the number of ladies and visitors who are desirous of being introduced at the courts of Europe.

Mr. LAGUARDIA. That is a useful function, too. But, as I was saying when the gentleman interrupted me, an ambassador is now simply a messenger boy in spats and he conveys communications from his home government to the government to which he is accredited. Now, there is no intention at all of usurping the power of any diplomat or of usurping the power of the Department of State. And I want to say this, that if there is one ambassador who has really done good work, and who has a real standing to-day for promoting the cause of peace, it is the American Ambassador at the Court of St. James, Mr. Houghton, a former Member of this House. [Applause.] I am not criticizing him. But above all personal feelings and above all departmental pride there is this great question of world peace, and the only way to bring about world peace is, first, the step already taken by the Secretary of State in the multilateral treaties renouncing war as a national policy, and to translate those treaties into something real. We want to say to the world that we mean what we say about world peace, and a conference of the representatives of the people to agree on a permanent disarmament plan will be a great step in that direction.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HUDDLESTON. Threats have been made against the gentleman from Illinois on the ground that he violated the Logan Act. I want to ask the gentleman whether Mr. Hoover, in his good-will tour to the various countries of South America, is not performing a function similar to that proposed by the gentleman from Illinois, and whether the same threats have been made against Mr. Hoover as yet?

Mr. LAGUARDIA. No. I think the mission of President-elect Hoover is very useful, but I am very sorry that the only kind of a ship that we could send him on was a battleship. I only wish we owned more merchant ships so that we could send him on a mission of peace on a peaceful ship. However, I believe that his mission is bound to be productive of good.

Mr. HUDDLESTON. But the newspaper representatives and the entourage that is accompanying Mr. Hoover would have had to pay their way on a merchant ship or a ship of peace.

Mr. LAGUARDIA. Oh, not necessarily.

Mr. HUDDLESTON. Has the gentleman considered that feature?

Mr. LAGUARDIA. I do not think that is so important. I am very earnest, I want to say to the gentleman from Alabama, on this question of peace, and I say it is a wholesome sign that Members of this House who have stood for a big Navy have now come over and declared themselves as willing to cooperate with other countries in order to reduce appropriations; and I believe the first place to start would be in voting down this bill which is now before the House. [Applause.]

Mr. BRITTEN. Mr. Chairman, I suggest that the Clerk read the bill for amendment.

The Clerk read the bill for amendment.

Mr. BRITTEN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MICHENER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 11616) to authorize alterations and repairs to certain naval vessels, had directed him to report the same back to the House with the recommendation that the bill do pass.

Mr. BRITTEN. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BRITTEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONSTRUCTION OF PUBLIC WORKS BY THE NAVY

Mr. WOODRUFF. Mr. Speaker, I call up the bill (H. R. 13884) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar. The House automatically resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from New York [Mr. BACON] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. BACON in the chair.

The Clerk read the title of the bill.

Mr. WOODRUFF. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. HUDDLESTON. I object, Mr. Chairman, unless we know more about the bill.

(During the reading of the bill:)

Mr. WOODRUFF. Mr. Chairman, I renew my unanimous consent request that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WOODRUFF. Mr. Chairman, every item in the bill before the committee has been under consideration by the Naval Affairs Committee of this House at least twice, and every one of the items has met the unqualified approval of every member of the Naval Affairs Committee. There is no minority report filed and no objection so far as I know in the mind of any member of the Naval Affairs Committee toward any item in this bill.

I had not expected to say anything at this time regarding the bill, but in view of the fact that the majority leader of the House has stressed the importance of giving to the House reasons why these different bills should be enacted, I will take a little time to discuss some of the projects contained in the bill.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. WOODRUFF. Certainly.

Mr. VINSON of Georgia. Will not the gentleman take up each one of the items in the bill, so that the committee may have full knowledge of them, and in that way we will probably save considerable time. Inasmuch as the bill is not going to be read at this time this will probably eliminate many questions.

Mr. WOODRUFF. I will be very pleased to do that.

The first item in the bill is for a small floating dry dock for the naval station at San Diego, Calif. There are at this station at this time 78 destroyers out of commission. They are tied up at the docks and are being given most excellent care by the limited personnel at this station. Proper care of these ships requires that at least every two years they be drydocked, the hulls scraped and painted, and such repairs made as are necessary at the time of drydocking. In addition to the 78 decommissioned destroyers at this point, there are 39 destroyers using San Diego as a base of operations. It is necessary also to drydock these ships at this point. In addition to the 117 destroyers, we have such ships as mine layers, mine sweepers, and others of smaller size which should be given such care as is necessary at this station. At San Diego there is a marine railway which has been in operation intermittently since the station was established. Just recently this marine railway was out of commission for almost two years, and it is not believed by the committee or the Navy Department that this equipment can properly and continuously handle the work of this yard. The small dry dock asked for in this item has a capacity sufficiently great to handle such ships as I have named, but can not handle the destroyer leaders when once we have built and commissioned them. The marine railway, however, with a capacity of 2,400 tons and a length of 400 feet, can handle these destroyer leaders, which will have approximately 1,800 tons displacement and be between 350 and 375 feet in length. That this small floating dry dock is considered most important by the Navy Department is indicated by the fact that they have given this item priority over all other items contained in the bill. In the past few years there has been great advancement made in the design of such craft, and the one asked for will have a mobility far greater than that of any floating dry dock in the world, so far as is known. It will be an easy matter to transport this dock to Panama, to San Francisco, to Puget Sound and any intermediate points, and to the Hawaiian Islands or elsewhere if necessary. Your committee and the Navy Department are in agreement that this is one of the most important items in the bill and that it should be passed by Congress without delay.

The next item in the bill is \$1,200,000 for water-front development at Pearl Harbor, Hawaii. This item covers two piers, two slips, a quay, walls accessory thereto, dredging, and filling. The water front in Pearl Harbor is limited, and it is the desire of the Navy Department to extend its use by increasing the amount of berthing space. At the present time we have but 2,300 linear feet of wall, and the present item will

provide for an increase of 3,300 feet, making a total of 5,600 feet.

It is planned by the Navy Department to continue with the development of Pearl Harbor until such time as it will be possible to moor within the harbor itself practically all the ships of the fleet. Minor repairs and some major repairs can, and will, be made at the yard, and additional berthing space even beyond that provided in this bill will be demanded in the years to come. One of the piers provided in this item will accommodate a 200-ton crane, a very necessary addition to the equipment now at the yard. The other item in this paragraph, \$500,000 for dredging, is to increase the mooring space available within the harbor.

The next paragraph authorizes \$290,000 for general facilities buildings, and \$100,000 for officers' quarters for the submarine base at Pearl Harbor. When the submarine base was established all the buildings that were built were constructed by the Navy personnel engaged in the submarine service out of surplus materials which were shipped to Pearl Harbor from other naval stations. The fact that they have been able to carry on for the past 10 years under these circumstances and that the buildings have remained standing as well as they have is a tribute to the highly efficient personnel in the submarine service and the care with which their duties have been exercised. Operating, as we do, a rather large number of submarines at Pearl Harbor, it is necessary that we have on hand at all times spare parts of every kind and description. These are very valuable, and it takes considerable time to secure the same.

Mr. MILLER. Will the gentleman yield?

Mr. WOODRUFF. Certainly.

Mr. MILLER. Will the gentleman state in what kind of buildings the spare parts are now housed.

Mr. WOODRUFF. They are housed in some old, tumble-down temporary buildings built by the Navy personnel out of waste material. In these old wooden shacks the spare parts are subjected to a rather serious fire hazard, and certainly the supplies, the value of which is approximately three quarters of a million dollars, should be stored under more favorable conditions. This item contemplates providing storage space for these spare parts and other special engineering stores now in the temporary storehouses I have just mentioned. This storage building would also provide facilities for administration and general instruction of personnel. The other building provided in this item would be a permanent shop building for use in connection with miscellaneous repairs to submarines.

Mr. O'CONNELL. Will the gentleman yield?

Mr. WOODRUFF. Certainly.

Mr. O'CONNELL. Will this appropriation of \$290,000 give them all the space they need?

Mr. WOODRUFF. Yes; everything they need in that line.

The next item is one of \$100,000 for officers' quarters for the submarine base at Pearl Harbor. This will provide quarters for 40 officers. I think if any Member of the House is at all familiar with the conditions aboard submarines they will realize that when a submarine crew gets ashore they ought to have all the comforts of life while there.

Mr. HOUSTON of Hawaii. Will the gentleman yield?

Mr. WOODRUFF. Yes.

Mr. HOUSTON of Hawaii. The barracks for the men are now under construction.

Mr. WOODRUFF. Yes.

The next item is one of \$1,310,000 for the navy yard at Puget Sound. This is for accessories and a crane for Pier No. 6, the crane to be of a capacity of 350 tons. This yard is the only one in the Pacific capable of general overhaul work on battleships, and as the battleship fleet is in the Pacific it is necessary that a crane of this capacity be built for this yard.

The next item is for metal aircraft structures shop, \$130,000, at the naval air station, San Diego. The construction of airplanes has changed very much; it has been changed from wood and fabric to all metal, and it is necessary to have a shop for this line of work, particularly at San Diego, where many hundreds of airplanes and aircraft will be based, especially during the time the fleet is in that vicinity.

Mr. O'CONNELL. And that would reduce the fire hazards, would it not?

Mr. WOODRUFF. Very much.

The next item is for a building for physical instruction and gymnasium, \$150,000, at the airport, North Island, San Diego. At the present time they have an old wooden temporary building which they use for that purpose, but in the development of the yard it is necessary to tear down and remove those buildings in order to build the buildings I have mentioned. Inasmuch as the San Diego Bay separates the airport or field

from the naval base, it is necessary to build a welfare building.

The next item is \$275,000 for seven landplane hangars. I do not know whether the membership of the House knows that when airplanes are carried on battleships and the battleship is in port the airplanes are always based on land. When repairs are made to the airplanes it is advisable that they make the repairs on land.

Inasmuch as training goes on constantly, it is necessary to have at these different bases facilities to care for the airplanes that will be there during the time the fleet is there.

The next item is that of \$100,000 for an equipment house. In the navy yard at Puget Sound we have 7 locomotives and 17 railroad cranes and up to this time there has been no protection whatsoever for any of this equipment during the time when it is not being used. It seems important to the committee and to the department that we have an equipment house where these machines can be stored at such times as they are not in use, and for that reason that item is in the bill. Puget Sound, as you all know, is the great supply store for the battleship fleet. We have at that point at this time a small brick building where we can store a small supply of paint and oils, and we find it necessary to store paint and oils and other inflammable materials all over that yard, creating a serious fire hazard, a condition that certainly ought not to be permitted to exist. We have provided in this bill \$125,000 for the building of a paint and oil storehouse, which will accommodate all the paints and oils to be handled at that point.

The next item is one of \$224,000 for a hangar at Pearl Harbor. Inasmuch as we are now constructing airships under our 5-year program, it ought not to be necessary for me to argue the necessity for hangars at our different air bases.

The next item is one of \$25,000 for a torpedo storage and charging plant. When we have completed our 5-year building program for the air service, we will have based at Pearl Harbor 54 torpedo planes. At the present time, torpedoes used by airplanes already based on Pearl Harbor are charged and repaired, and so forth, at the navy torpedo repair base, which is more than a mile away from the air field. It seems necessary that we should have this torpedo storage and charging plant at the air base where it properly belongs.

The next item is one for \$90,000 for an aircraft overhaul shop at Coco Solo, in the Canal Zone. I have been at Coco Solo and have seen the conditions under which they had to overhaul their airplanes, and I personally know that that item is a most important one.

The next item is one for \$120,000 for bachelors' quarters.

Mr. O'CONNELL. It might be wise to recommend that the bachelors get married and then we would not have to spend that large amount of money.

Mr. WOODRUFF. Oh, if we did not spend that we would have to spend much more to house the wives and children after they came.

Mr. O'CONNELL. But that would be in a good cause.

Mr. WOODRUFF. I agree with the gentleman. Anyone acquainted with the conditions at Coco Solo realizes that nowhere around the submarine or air base are there quarters available for officers. We have already provided living quarters for the wives and the families of chief petty officers located at that station, and it seems to me that we should now do as much for the bachelor officers.

The next item is an item for a mess hall and galley for enlisted men at the naval training station at San Diego, Calif. This item is for \$173,500. This mess hall and galley will be placed in the detention camp at the naval training station. When young men enlist in the Navy they are taken to a training station and for three weeks segregated, taken away from the men who have been there for a longer period. The authorities feel that they should segregate these new men for the purpose of keeping them from carrying disease to the men already in the service. They are kept in these detention camps for three weeks, the period that the medical authorities call the period of incubation. At San Diego we have quartered these men in tents. The climate there is most salubrious most of the year, although at different times it is most uncomfortable, and while we are supposed to keep these men segregated, yet during all of the time that the training camp has been located at San Diego it has been necessary for these men in the segregated camps to walk three times a day 1 mile over to the mess hall where all of the other men in the camp eat and back again to their camp. It is not being conducted along lines that would be approved by any medical authority, and the construction of this mess hall and galley for these men will in many ways improve the conditions there.

In this paragraph also is incorporated an item of \$348,000 for barracks for enlisted men at the detention camp. Certainly everyone should agree that young men just coming into the

naval service should at least have proper housing at all time of the year, and this item proposes to take care of the needs of this detention camp in this respect.

Mr. O'CONNELL. Will the gentleman yield?

Mr. WOODRUFF. I will.

Mr. O'CONNELL. About how many enlisted men would be there at a time?

Mr. WOODRUFF. From 400 to 700.

Mr. O'CONNELL. Thank you.

Mr. WOODRUFF. Up at Mare Island, where we have established a submarine base and overhaul plant, the men who have been working on the submarines and serving on the submarines have been living in tumble-down temporary wooden buildings, such as we built during the war, something more than a mile from the submarine base itself. We propose in this bill to provide barracks and a mess hall for 240 men, the number of men usually at that station. We also provide an item of \$240,000 for a battery storage and overhaul building. I was at Mare Island in April a year ago, and I was very much struck with the condition surrounding the repair and storage of the batteries for the submarines. This work was done in an old tumble-down wooden building. The acids from the batteries are constantly eating the wood of that old building and it is a question of only a short time, in my opinion, until it will fall down if it is not torn down. Certainly that work ought to be done in a proper sort of building which affords a proper storage for batteries.

The next item in the bill is \$250,000 for a mess hall and barracks for enlisted men and marines at Lakehurst. Another item in this paragraph is \$200,000 for a gas cell, shop, and storage building. Also \$90,000 to provide eight additional quarters for married officers.

The next item in the bill is for four barracks for Quantico, housing 500 men each. This item is for \$1,450,000. Men familiar with the conditions existing at Quantico certainly will not challenge this item. Following is an item, \$500,000, for filling and grading the flying field at Quantico. The next item in the bill is for the purchase and condemnation of land and dredging, \$65,000, at the navy yard at Norfolk.

I think every man in the House must be familiar with conditions existing at Anacostia and will realize that the item we have in the next paragraph of the bill, for \$275,000, for barracks and mess hall at Anacostia, is an important one. One of the less important items in the bill is one for \$10,000 for storage facilities for gear at Drydock No. 3, navy yard, Philadelphia.

The next item in the bill is for \$35,000 for commandant quarters, naval base, Canal Zone, and \$58,000 for four houses for officers at the Canal Zone. The next is \$240,000 for 6 four-family apartments for married officers at Coco Solo.

Mr. O'CONNELL. Will the gentleman yield?

Mr. WOODRUFF. I will.

Mr. O'CONNELL. Here is an item here for flying field at Quantico, Va., for filling and grading the field. Those of us who flew some months ago with Colonel Lindbergh will remember the conditions at Bolling Field. I remember how difficult it was for machines to get off the ground, up in mud hub deep so it was almost impossible to start the machine. I thought Colonel Lindbergh would never get it in the air.

Mr. WOODRUFF. The situation at Quantico is this: We have really two flying fields at the present time, one on each side of the railroad track, one I think of 68 acres and the other approximately 81 acres, not enough space for safe flying and landing. There have been at that point 40 major accidents coming on the field and getting off the field. This is an item for enlarging the field and to give the flyers the sort of field they ought to have there.

Mr. O'CONNELL. That is perfectly satisfactory.

Mr. WOODRUFF. The next section of the bill simply authorizes the Secretary of the Navy to enter into a contract at a cost not exceeding \$35,000 for the removal of certain private lines of poles supporting telegraph, power, signal, and telephone wires and cables located on private rights of way adjoining the Marine Corps flying fields at Quantico, Va., and for the placing of said wires and cables underground. These wires and poles have been largely responsible for the 40 major accidents at that field.

Section 3 of the bill authorizes the Secretary of the Navy to acquire on behalf of the United States by purchase or condemnation, after an appropriation of the necessary funds has been made therefor, the site of the Marine Corps flying field at Reid, Quantico, Va.; and for that purpose a sum not in excess of \$15,000 is authorized to be appropriated and made available in addition to the amount of \$20,000 made available by section 6 of the act of March 4, 1925.

Section 4 authorizes the Secretary of the Navy to acquire on behalf of the United States by purchase or condemnation, after an appropriation of the necessary funds has been made therefor, the site of the naval air station at Sumay and the naval station at Piti, Guam; and \$9,000 is authorized to be appropriated and made available for this purpose. When we became involved in the World War we took over the lands involved in this section from the natives of the island of Guam, with the understanding that we were to purchase the same outright. We have failed to do this and have been paying them a small monthly rental for the use of the land. There are a number of different property owners from whom we are leasing these lands and the rentals paid them are so much less than they made from tilling the soil itself that they are greatly dissatisfied and expect the Government to live up to its agreement and pay them the full purchase price, with which they could purchase lands elsewhere for cultivation.

Section 5 authorizes the Secretary of the Navy, when directed by the President, to transfer to the city of San Diego, Calif., certain lands now owned by the Navy Department in exchange for lands owned by the city of San Diego. We propose under this section to give to San Diego approximately 9 acres lying back from the shore line, and across the creek away from the naval station for approximately 6 acres lying adjacent to the naval station itself and with a harbor frontage of 900 feet. The land which the Navy Department proposes to exchange with San Diego is of absolutely no use to the Navy Department, and the land to be transferred by San Diego to the Navy Department will be highly valuable for naval purposes.

Section 6 authorizes the Secretary of the Navy to exchange certain lands of the Navy Department at Governors Island in Boston Harbor owned by the State of Massachusetts. The land involved in each case is approximately the same in area, and this transfer is desired by both the Navy Department and the Commonwealth of Massachusetts. It is desired to establish a pierhead and bulkhead line on this property to be as nearly parallel as possible to the ship channel, and in order to properly accomplish this purpose the proposed exchange of land mentioned in this section is necessary. This exchange of land and rectification of the boundary lines will permit of a straight sea wall along this property.

Section 7 proposes that the Secretary of the Navy shall be authorized in his discretion to return to the heirs at law of John H. Abel the title to a tract of land containing 5.17 acres taken over as a part of the marine reservation at Quantico, Va., by proclamation of the President, dated November 4, 1918. This is a part of the Marine Corps Reservation at Quantico, Va.; it has never yet been used by the Marine Corps, and no payment has as yet been made for it. The purpose of this section is simply to return title to the property to the heirs of John H. Abel, to whom it belongs.

Sections 8 and 9 authorize the Secretary of the Navy to dispose of two pieces of naval real estate which are of no further use to the Navy, the proceeds from which will be turned into the hospital fund.

Unless some gentleman desires to ask me further questions regarding the bill, I shall not take up more of the time of the House.

The CHAIRMAN. If no further time is desired, the Clerk will read the bill for amendment.

The Clerk read as follows:

Naval air station, Hampton Roads, Va.: Administration building \$200,000.

Mr. DREWRY. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DREWRY: Page 3, after line 19, insert the following: "Naval training station, Hampton Roads, Va.: Barracks and mess hall, \$600,000."

Mr. DREWRY. Mr. Chairman, to explain that amendment, I will state that the committee made a visit to the naval station after the present bill had been passed by the committee, and they found things in such bad shape that they came back and unanimously reported the amendment I have offered. It provides for a mess hall and barracks for receiving recruits to the naval station.

Mr. BRITTEN. Most of the members of the committee who were down on that inspection trip, accompanied by a number of the members of the Committee on Appropriations, saw that deplorable condition and are heartily in favor of the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 9. That the Secretary of the Navy is hereby authorized to dispose of the land and improvements comprising the former naval radio station, Marshfield, Oreg., in like manner and under like terms, conditions, and restrictions as prescribed for the disposition of certain other naval properties by the act entitled "An act to authorize the disposition of lands no longer needed for naval purposes," approved June 7, 1926 (44 Stat. 700), and the net proceeds from the sale of said radio-station property shall be deposited in the Treasury to the credit of the naval public-works construction fund created by section 9 of this act.

Mr. WOOD. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Wood: Add, after line 19, page 9, the following new section:

"SEC. 10. That the Secretary be, and he is hereby, authorized to lease for periods not exceeding 10 years and revocable on six months' notice the floating dry dock and water-front accessories at the naval station at New Orleans (Algiers), La., and to credit to the rental the reasonable cost of such repairs to said dry dock as the lessee may be required to make to prevent physical deterioration. All remaining money received from any such lease shall be covered in the Treasury as miscellaneous receipts: *Provided*, That said floating dock and accessories shall not be removed from the vicinity of New Orleans."

Mr. LAGUARDIA. Mr. Chairman, I reserve a point of order on that.

The CHAIRMAN. The gentleman from New York reserves a point of order on the amendment.

Mr. WOOD. Mr. Chairman, I will state to the gentleman that it is not subject to a point of order, in the first place. It is on all-fours with three or four other sections in this bill granting authority to the Secretary of the Navy. I think, when I shall have stated the purpose, the gentleman will have no objection to it. I would like to have the attention of the gentleman from New York.

This measure has passed the House heretofore on one or more occasions and failed in the Senate for want of consideration. The purpose is, if possible, to save money to the United States, and from the items of expenditure that we have here I should judge that there is some need for it.

There is no need for this dry dock. It is seldom used, and very expensive when it is used. The only use is by flat-bottom boats, and it takes far more to sink this vessel in making repairs and improvements than the cost of the repairs.

Mr. LAGUARDIA. How old is it?

Mr. WOOD. I do not know as to that. The overhead expense is over \$40,000, besides the upkeep. There is a possibility of renting it at a good profit.

Mr. LAGUARDIA. What is its capacity?

Mr. WOOD. It is an extraordinarily large drydock.

Mr. LAGUARDIA. What is the nearest drydock in southern waters?

Mr. VINSON of Georgia. The drydock at Charleston; but, perhaps, it is not sufficient. The drydock at Hampton Roads is the nearest. This drydock is lying there idle, and this amendment simply authorizes the Secretary to lease it. If he gets satisfactory bids he can lease it.

Mr. O'CONNELL. And the United States gets a profit out of it.

Mr. LAGUARDIA. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentleman from New York withdraws his point of order.

Mr. O'CONNOR of Louisiana. Mr. Chairman and gentlemen of the committee, the drydock referred to in this amendment is located in the district that I have the honor to represent. I am not opposed to the amendment, but in all fairness I think the situation ought to be presented accurately to the Committee of the Whole House in order that they may judge whether it is wise or not at this time to adopt the amendment.

The gentleman from Illinois [Mr. BRITTEN] introduced a bill, the purport of which would accomplish just exactly what is hoped to be accomplished by this amendment. That bill, in accordance with the usual procedure, was referred to the Secretary of the Navy. He reported adversely upon it. I think that report was based upon the theory that it was unfair for the Government to go into any business in opposition to established private enterprises.

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR of Louisiana. Will you permit me to finish the statement? There are two dry docks down there now, one operated by the Jahnce people and one by the Johnson people. I hope the committee will pardon a political allusion. The Jahnce people are Republicans, and are my personal friends, and the Johnsons are likewise Republicans, so that I have no political interest in them; but I think that in justice I should present the situation clearly, so that you can act unequivocally but justly and wisely on the amendment proposed by the gentleman from Indiana, Mr. Wood.

The Jahnces and Johnsons are opposed to this proposition as expressed by the Britten bill and the amendment, not only because they are operating these dry docks in the Mississippi River at New Orleans but because they are opposed to the governmental operation of industry as opposed to private industry, and I believe that is one of your Republican cardinal tenets. They feel also they should at least be given an opportunity to present in person before the Committee on Naval Affairs, after due notice, their objections from a businesslike standpoint to any such amendment, which means a competition that in all probability would affect them very seriously if the lease were effectuated on such terms as would give the lessee an unfair advantage in the cost of operation.

I know that the attitude of the gentleman from Indiana [Mr. Wood] is from the governmental standpoint of economy, apparently sound though at variance with his party's militant declaration of no Government competition against private enterprise. It is rather difficult to answer, and it is not my purpose to answer it. Though I do hope that you will see that in effect such a lease by the Secretary of the Navy is akin to Government operation. I am not opposed to the amendment, but, as I said before, I feel that in justice to the established private enterprises down there I ought to make this statement and to say, they will, with some degree of justice, believe it was rather arbitrary on the part of the House to adopt an amendment which curtails and affects their business so seriously without giving them an opportunity to be heard on the subject. I repeat that I am not opposed to the purpose of the amendment which will put another dock in operation in New Orleans, though I believe that there are many citizens who believe it will make for unfair competition, and that it is but another step in the direction of Government operation of that which could be left to private initiation and enterprise. But, as desirable as I think another dock may be, we can not blind our eyes to the fact that we are sidestepping the regular parliamentary procedure which provides for hearings to be held in the usual manner, and where careful, thorough, and intelligent discussion and consideration may be had, and those adversely interested may have their day in court.

Mr. SPEARING. Mr. Chairman, while I do not represent the district in which this dry dock is located I do represent a part of the city of New Orleans and the whole city will be more or less affected by the renting of this dock or not renting it. There is opposition in the city of New Orleans to the renting of this dock to private persons. The foremost business organization of the city, the Association of Commerce, representing practically every line of industry, has passed resolutions against the renting of this dock to private persons. There is much to be said against such renting. It does interfere with private industries which are located there, industries into which men of the city of New Orleans have put money, and other financial interests are interested in the proposition. It is a question whether that dock is needed to be operated by a private concern.

Mr. BRITTEN. Will the gentleman yield?

Mr. SPEARING. Certainly.

Mr. BRITTEN. My impression of the situation is that this is largely one of competition between several private interests and, as usual, the Government is carrying the load. The Algiers Naval Station down your way has not been used for many years. We have a very good floating dry dock there that should not be moved, I will say to the gentleman, from that neighborhood; but it is not being used and it is costing our Government, as I understand, about \$40,000 a year to maintain that dock in a more or less useless condition. As I understand the situation—and I would like to have the gentleman, my friend from New Orleans, correct me—another private yard in that same neighborhood, in competition with the two mentioned by my friend from New Orleans, is willing and ready to lease that now useless dock, keep it in repair, and take it out of Government expense, but the other two yards object. Is that the gentleman's impression of it?

Mr. SPEARING. I think that is partly true, if not actually so, but I do not think that is the sole consideration. That is an objection, there is no doubt about it. The two men who

operate docks there now are naturally opposed to having any competition. That is a most human feeling with any of us, but that is not the sole consideration, and that is not, as I understand it, the sole objection.

Mr. BRITTEN. Will the gentleman yield a little further?

Mr. SPEARING. Certainly.

Mr. BRITTEN. My thought is this: That if this third competitor can not make an arrangement with the Navy Department for the use of this now useless dock, it is presumed that this third man will build a dock of his own, so that instead of having two docks in operation down there privately controlled you will have three of them, and still have the useless dock now belonging to the Government and costing the Government a lot of money to maintain. If I understand the situation correctly, it looks like a good business proposition for Uncle Sam to get some money out of something which is now costing him \$40,000 a year.

Mr. SPEARING. The gentleman's remarks demonstrate the necessity for carrying out the suggestion of my colleague from New Orleans, namely, that we have a hearing. He has injected into the discussion the very thing that requires a hearing, and that is all that we are asking now. This proposition is offered here as an amendment to the bill. Frankly, we did not anticipate it would be offered as an amendment to any bill; it was anticipated that the bill introduced by the gentleman from Illinois [Mr. BRITTEN] would be taken up regularly, and that the adverse interests would be given a hearing before the committee. Then the committee could make its report after hearing the proposition and after deciding which one was right.

Mr. BRITTEN. Will the gentleman yield?

Mr. SPEARING. Yes.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent that the gentleman from Louisiana may have five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BRITTEN. I will say to the gentleman that in the event the House does not adopt the amendment now before it, if the gentleman and his colleague from Louisiana [Mr. O'CONNOR] will designate a time for a hearing, the Committee on Naval Affairs will sit with them at that time.

Mr. SPEARING. That would be very acceptable. All we are asking now is that you give these people a hearing. I am not prepared to say how I would vote on the amendment after such a hearing, but these people are all our friends.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. SPEARING. Yes.

Mr. VINSON of Georgia. Do I understand that the gentleman from Louisiana and the gentleman from Illinois [Mr. BRITTEN] have made some agreement in reference to withdrawing the pending amendment?

Mr. SPEARING. No; we have not made any agreement. The gentleman from Illinois stated that if this amendment be not adopted now that the Committee on Naval Affairs would give a hearing to the adverse interests.

Mr. VINSON of Georgia. But the gentleman from Illinois is asking that the House now adopt the amendment, as I understand it.

Mr. BRITTEN. Yes; certainly.

Mr. VINSON of Georgia. Then, why should the gentleman take the time of the House in talking about a hearing after we have adopted the amendment?

Mr. SPEARING. I am sure the gentleman from Illinois could answer that question better than I can.

Mr. BRITTEN. I will say to the gentleman from Georgia and to the House that as far as I am concerned I am heartily in favor of the amendment now pending. I think it is a good business proposition and one that will be helpful to the city of New Orleans. It will produce more shipping business.

Mr. SPEARING. I think the House should act so that the committee must give these adverse interests an opportunity to be heard. That is what we are advocating now. These adverse interests might or might not convince the committee. If they do not, then we may not be able to convince the House. I am not prepared to say now that if the bill comes up before the House after a hearing that I am going to oppose the bill, but I do urge that the adverse interests are entitled to a hearing and that this amendment should not be adopted now, so as to cut off all opportunity of a hearing and run roughshod over these men, when they anticipated they would be heard by the committee.

Mr. BEEDY. Will the gentleman yield a moment?

Mr. SPEARING. Certainly.

Mr. BEEDY. The gentleman suggests there are objections to the adoption of this amendment other than the objection of private competitors. If the gentleman would state them to the committee in just a moment, that might be helpful to us; but as yet we have heard no other objections.

Mr. SPEARING. The Association of Commerce adopted a resolution and sent it on here.

Mr. BEEDY. What is the reason for it?

Mr. SPEARING. I am answering the gentleman's question and am coming to that point. The Association of Commerce says it will upset—not upset, necessarily, but will interfere with the financial and labor situation in New Orleans. They are more familiar with that than I am. They sent those resolutions to us to be urged at the proper time, and this is not the proper time. I have not even the resolutions at hand.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. SPEARING. Yes.

Mr. LAGUARDIA. If another dry dock is going to attract more business to the gentleman's city and perhaps reduce the price of ship repairs, why would not that be to the advantage of commerce generally, even though it may be to the detriment of two shipyard owners?

Mr. SPEARING. I do not understand that this would attract more business to New Orleans. My understanding is that the dry docks that are there now do not work full time, because there is not sufficient business to justify it.

Mr. LAGUARDIA. This will attract more business to the gentleman's city.

Mr. WOOD. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. WOOD. I wish to say, in answer to the gentleman from Louisiana, that the objection which he offers to the amendment, with respect to no hearing having been held, is not well taken, for this reason: In the first place, this matter has been before the House upon two or more occasions. It passed the House at one time after full hearings were held and, as I stated a while ago, failed in the Senate for want of consideration. Furthermore, it is not too late, if a hearing is desired. The Senate has hearings upon these matters sometimes, and, if the amendment is adopted now, the gentlemen who may feel aggrieved can appear before the Senate committee and will have ample opportunity of being heard.

There is another reason why the objection of the gentleman to the passage of this amendment should not obtain. The gentleman from Louisiana says that the Government should not be put in competition with private business. One of the purposes I have in mind is to get the Government out of this business and give the business along that river to the gentlemen engaged in this character of work. So that instead of keeping the Government in this business, I may state to the gentleman that this amendment if adopted will put the Government out of the ship repair business at New Orleans.

We have great need of the establishments that build ships and repair ships. Unfortunately, by reason of our not keeping up with the world in the building of ships, more than two-thirds of the shipbuilding concerns of this country have gone to the wall. One of the largest in former years closed its doors just this last week, and if we are ever to be involved in war again, we will find ourselves in the same condition we found ourselves in before, and will have to spend millions of dollars uselessly in building up such yards.

I think the passing of the Cramps establishment was one of the tragedies of this generation, and that was absolutely due to our not patronizing them as we should.

So let us encourage the men who are engaged in this character of business. Let us take Uncle Sam out of this business and let us put some money into the Treasury, which this amendment will do, instead of spending it uselessly.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Indiana [Mr. WOOD].

The amendment was agreed to.

The Clerk completed the reading of the bill.

Mr. WOODRUFF. Mr. Chairman, I move to amend by striking out the figure "10" in line 20, page 9, and inserting in lieu thereof the figure "11."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 20, strike out the figure "10" and insert the figure "11."

The amendment was agreed to.

Mr. WOODRUFF. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with

the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BACON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13884) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes, and had instructed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WOODRUFF. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not the Chair will put them in gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. WOODRUFF, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DISTRIBUTION AND PROMOTION OF COMMISSIONED OFFICERS OF THE LINE OF THE NAVY

Mr. BRITTEN. Mr. Speaker, I call up the bill H. R. 14039, to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into Committee of the Whole House on the state of the Union.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MAPES in the chair.

Mr. BRITTEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to dispense with the first reading of the bill. Is there objection?

Mr. HUDDLESTON. I object.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read the bill.

Mr. BRITTEN. Mr. Chairman, this bill, as Members will observe, sounds, and probably is, very hard to understand. We, in committee, thought it was complicated as well, for very often when the Judge Advocate General or some naval expert, when asked the questions, would have to refer to his files before he could definitely answer.

I will try to tell the House briefly what the legislation seeks to accomplish. First of all, let me say that the bill has been considered for more than two years by the Committee on Naval Affairs. We reported out a bill last year—we did not report it to the House, but we were ready when the Director of the Budget came in and objected to certain payments that we intended to make to officers who were not retired but who were to be separated entirely from the service. The Budget Director objected.

Finally we reported unanimously the bill that is now before the House. This is favored by the Bureau of the Budget, by the department, of course, and not only by the line officers who graduated from the Naval Academy but by that great group of commissioned officers who have come out of the ranks, and which will give to them opportunity to retire on pay commensurate with their rank, but also an opportunity to remain in the service if they want to.

These men have gone through their own ranks and have become warrant officers or chief petty officers, then ensign or lieutenant. Some may be 45 years old and serving alongside a youngster out of the academy 22 years old. It gives the former enlisted man an opportunity to retire, as any other officer would, for the balance of his lifetime.

The bill was framed with this particular group in mind, because the committee felt that these men who had given 15 or 20 years, the best part of their lives, in the service of the Navy, and who during the war had become ensigns or lieutenants should be protected, and that is really the outstanding service of the bill.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. I would like to get along a little further with the explanation and then I shall be glad to yield.

Mr. O'CONNELL. If the gentleman will permit, I have read the bill and I am in favor of it, but I hope the chairman of the committee will explain as lucidly as he can just how it changes existing law.

Mr. CELLER. And will the gentleman tell what effect this will have on the so-called equalization measure?

Mr. BRITTEN. It will have no effect whatever. This bill affects only directly the line officers. While the staff corps—and I mean the Medical Corps, the Supply Corps, the Construction Corps, the Civil Engineer Corps—wear the same uniform as the other officers, they are called staff officers. This bill affects only the line officers.

Mr. HUDDLESTON. Is the gentleman in a position to assure us that the medical officers are not affected by this bill?

Mr. BRITTEN. Positively. Excepting to this extent. Every officer in the Navy is affected by the equalization bill which we passed last year, which gives him a running mate in the line. This bill, if anything, will improve promotion in the various staff corps. Its greatest effect on officers in the staff, who are promoted under the equalization law, will be by having a running mate in the line whose promotion is not unnecessarily retarded.

Mr. HUDDLESTON. And no medical officer under this bill will be subjected to this selection board?

Mr. BRITTEN. Not at all, nor will any other staff officer.

Mr. VINSON of Georgia. The equalization law gives them a running mate.

Mr. BRITTEN. Yes.

Mr. HUDDLESTON. Of course, some of us do not know what the equalization law is. Does that mean that the officer has a running mate of equal length of service?

Mr. BRITTEN. Yes. The same date of commission applies to each of them, and that establishes their running mates.

Mr. HUDDLESTON. But if this running mate should fail of promotion, it will not affect the right of promotion of the other officer?

Mr. BRITTEN. No; he automatically acquires the next man above and runs with him. We will talk about the expense first. This bill will provide an additional expense to the Treasury for three years only of \$31,000 a year. After the three years it reverts, because of our custom of paying officers two-pay periods, to the present status, after which it will cost the Treasury not an extra dollar. The maximum of 4 per cent of officers of the line, based upon the authorized strength of the Navy, is not changed in this bill. Under existing law we may have as many as 5,499 officers of the line.

Under the bill before us that number is not changed. The distribution of those officers is changed very slightly by percentages in the lower grades only, but not in the grades of admiral, rear admiral, or captain. It is changed slightly, 1 per cent, in the grade of commander. That will all be made evident as we read the bill. The reason for the changes in the lower grades is that we are getting a few more commanders and lieutenant commanders and less lieutenants and more lieutenants of the junior grade. That change is desired because of the changed Navy that confronts us to-day. Twelve years ago when we passed a line promotion bill, we did not have the radio, we had no aviation connected directly with the Navy, our spotting was very inferior, in comparison, to what it is to-day, we did not have to look for submarines and airplanes and all that sort of thing, so that we require now more young men in command positions, particularly on the destroyers and submarines. As for myself, I think that the submarines and destroyers provide the hardest work in the American Navy. The quarters are small and cramped, and the duty is very arduous. Anyone who has been on a destroyer out in the slightest sea will agree with my distinguished friend from New York [Mr. SNELL]—and he is a good seaman—that being out even in a slight sea on a destroyer sometimes makes you wish you were at home at your own little dining table. We are providing in this bill for a few more commanders and lieutenant commanders for these various command ranks, made necessary by changes in the Navy requirements. This bill also establishes a uniform line of promotion by dividing all of the officers in the line from admiral to ensign into grades of seven years to the grade, as, ensign, lieutenant, junior grade, seven years, and for the lieutenant, senior, seven years, for the lieutenant commander, seven years, and so on. At the present moment we are operating under the so-called Updike law, which substituted the time in grade for the age in grade; prior to that moment we operated entirely under the age in grade. We are now adopting in this legislation the time in grade theory of the Updike law, which, by the way, goes out of existence in March of next year, and from now on we ought to have a very natural, easy, and uniform flow of promotion.

Mr. O'CONNELL. And sure.

Mr. BRITTEN. Yes; provided, of course, a man keeps up with the rest of his class. There is one paragraph which sounds very complicated, but it does nothing more or less than

iron out the condition that has been brought about by the different dates of graduation of the different classes of the Naval Academy during the war. During the war some classes had less than three years at the academy, some had something over two years, others had four years, and way back we have had classes with five years. The graduation dates were different. This legislation provides that for promotion calculations every line officer shall be charged up with four years in the academy, whether he had four years or not. This is but fair to all graduates.

It is hardly fair to credit a man who has had only two and a half or three years in the academy with the same knowledge and opportunity as one who was compelled to stay four or five years at Annapolis before graduation, so we regulate that by charging or crediting every line officer four years at the academy whether he has had it or not. It provides that a lieutenant 45 years of age or of 20 years' service—here is your enlisted man again—who is 45 years of age or who has 20 years of service and has no way of getting out of the service, and also no way of being promoted up because he has not had a Naval Academy education, may retire or go to his former rating, as he prefers. He can take a ship to dock better than a youngster out of the academy, and he is one of the very valuable men in the service—I might almost say the very backbone of the service—yet he is in the peculiar position where he can not go up and can not go out.

This legislation has been framed with a view to giving him exactly what he wants. If he wants to go out, he can be retired for life with retirement pay, and if he does not, he may revert to his original status at his request. The academy lieutenants ought to be about 38 years of age when they go up or out. We place the limit for former enlisted men at 45 years of age or 20 years' service. Now I will yield to the gentleman from New York.

Mr. CELLER. I yield to the gentleman from New Jersey.

Mr. SEGER. When he is retired at his own request, he will be retired at the rank he then holds?

Mr. BRITTEN. At the rank he holds with 75 per cent of pay, or 2½ per cent of his pay for each year in the service, up to 7.5 per cent, of course.

Mr. SEGER. And he does not lose his rating?

Mr. BRITTEN. No. I now yield to my seaworthy friend from New York [Mr. SNELL].

Mr. SNELL. Is there anything in this new measure of promotion that will in any way interfere with other branches of the service that will make trouble for us in the future?

Mr. BRITTEN. No; I think it is purely a naval bill.

Mr. SNELL. Two or three times matters have been brought in here with which the average person is not familiar, and I admit I am not familiar with promotions in the Navy, and very few Members of the House are, and after passing the bill then comes up the statement that the Navy is interfering with the Army. Now, is there anything in this bill that interferes with promotions in other branches of the service?

Mr. BRITTEN. I will give the exception, except in so far as some conditions applying to the Military Academy—

Mr. SNELL. Well.

Mr. BRITTEN. The Army does not operate as economically or concisely as the Navy at any time—

Mr. LAGUARDIA. How does the gentleman get that way?

Mr. BRITTEN. Excuse me. I did not know the gentleman was in the room. I think the Navy's important legislation is kept in better shape than the Army's legislation. I think certain classes graduated at the Military Academy in three years and less because of the war, and only because of that, and other classes graduated in three or four years, and they may have had a situation like we have had in the Navy where some classes have graduated in five years. I think that any legislation that equalizes that graduation period and charges up four years to an officer of the Army will be generally approved.

Mr. SNELL. We got in the emergency retirement bill a provision which was stated was slipped in the naval bill without anyone knowing much about it, and I especially desire to have the gentleman assure the House that other branches of the service are not affected.

Mr. BRITTEN. I want to assure the House there is absolutely no joker in this bill. There is nothing in here to improve the condition of any particular officer or any particular group of men or any particular man in the Navy or in any other naval corps, except as clearly set out.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. BRITTEN. I will.

Mr. BLACK of Texas. The point is there is much complaint in the Army about the stagnation of promotions.

Mr. BRITTEN. Yes.

Mr. BLACK of Texas. Is not that the very reason for this bill the same complaint in the Navy?

Mr. BRITTEN. Yes; one of them.

Mr. BLACK of Texas. Would not the House be confronted by the same proposition if the Committee on Military Affairs brings out a similar bill applying to the Army?

Mr. BRITTEN. If the Committee on Military Affairs brings out a bill applying to the Army that is as good for the Army and for the Treasury as this bill is for the Navy, every Member of Congress should favor it.

Mr. BLACK of Texas. All the Army officers, of course, as the gentleman knows, desire promotion, and the same with respect to naval officers. I presume that is a natural attitude for these officers to occupy. The last pay bill that we passed was a bill framed by a joint committee in order that it might not be done in a piecemeal way. Now, if the Committee on Naval Affairs comes in with a bill of this kind, it seems to me we will soon have the same condition of piecemeal legislation that we had before.

Mr. VINSON of Georgia. As stated by the gentleman from Texas, there is stagnation in promotions in the Army. There would be in the Navy if they followed the same system as is followed in the Army. We are here trying to introduce a progressive system.

Mr. BRITTEN. I think that is a good suggestion from my friend from Georgia. The House has gone on record in favor of the policy of selection by merit and fitness instead of promotion by seniority. There is not a business man in this room who would promote a man by mere seniority. He would promote him on the basis of merit. But in the Army, once a boy is promoted out of the academy at West Point at the top of the class, he stays at the top of that class until he dies; and that is bad business.

Mr. LAGUARDIA. In the Army it is from a colonel up, is it not?

Mr. BRITTEN. They go up by selection and seniority.

However, this is not a pay bill, and the fact that it affects the Treasury only to the extent of \$31,000 for the first three years is evidence that it is not a pay bill. It is a bill intended to provide for the uniform flow of promotions to take out the hump created by various pieces of legislation which were enacted during the war. We took men out of noncommissioned ranks and made them commissioned officers. Now they are on our hands, and we can not get rid of them. We ought not to get rid of them except in a fine, fair way.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. BRITTEN. Certainly.

Mr. CELLER. May I ask the gentleman about the facts in connection with the case of Commander Alberg? That is a case, as the gentleman will recall, where a young lieutenant commander, prior to the equalization bill, would have been promoted to commandership, but as the result of the equalization bill he found himself confronted by a situation where he would have to wait for 15 years. In consequence of that he resigned his commission, and we subsequently passed a bill for his relief. Would this particular pending bill have any effect on that kind of a case?

Mr. BRITTEN. Was he in one of the staff corps?

Mr. CELLER. I do not know as to that.

Mr. BRITTEN. I think he was in the Construction Corps. He would not be affected by this. He was one of the outstanding young commanders in the service, as I recall, and the committee was inclined to do everything possible for him.

Mr. CELLER. The committee did splendidly by him.

Mr. CONNALLY of Texas. Are these enforced retirements, irrespective of age or service?

Mr. BRITTEN. No. A man can not be retired until he has had seven years in a grade.

Mr. CONNALLY of Texas. They get the retired pay, do they?

Mr. BRITTEN. Yes.

Mr. CONNALLY of Texas. In other words, when you want to promote somebody you force others out. Is not that the effect of the bill?

Mr. BRITTEN. Of course, if there are 200 lieutenant commanders and only 100 commanders, all of the junior grade officers can not be promoted. Some must go out.

Mr. CONNALLY of Texas. I do not think it should be the policy of the Navy Department to retire officers simply to make a place to promote somebody.

Mr. BRITTEN. You can not do as you would do in private business. A man in his private business might hold a man in a specific job for 40 years and increase his pay very little. But the Navy Department can not keep a specific officer for 40 years, because legislation is in existence that provides that only 4 per cent of the authorized strength of the Navy shall be line officers. If you are going to keep men in—many good men are retired

from time to time in the Navy—promotions must be provided for as an incentive to the younger men to be promoted in the course of time to the higher ranks!

Mr. CONNALLY of Texas. Is this stagnation simply the result of the rapid promotions during the war? During and after the war these men were rapidly promoted, and now they naturally have to wait longer than they would be required to wait otherwise, because of the fact that they were rapidly promoted during the war.

Mr. VINSON of Georgia. That applies to the temporary men.

Mr. CONNALLY of Texas. I am not talking about the temporary men. I am talking about the permanent men. Because of the increased personnel everybody in the Navy got an increase and a rapid promotion. In the case of the Army, boys came out of the Military Academy and in a short time became majors.

Mr. OLIVER of Alabama. Unless this legislation be passed, you would preclude those boys graduating from the Naval Academy in the next few years from being promoted. There would be no chance for promotion to the higher grades.

Mr. CONNALLY of Texas. Why not wait until these boys get out?

Mr. OLIVER of Alabama. It will occur very soon.

Mr. CONNALLY of Texas. The gentleman from Alabama was on that joint salary commission, was he not?

Mr. OLIVER of Alabama. And the gentleman from Alabama opposed that bill; and sooner or later this Congress must remedy many mistakes in the bill.

Mr. CONNALLY of Texas. Is it not true that in nearly every session of Congress we have a promotion bill from the Army or Navy?

Mr. OLIVER of Alabama. One objection to the pay bill was this—and the gentleman from Texas was opposed to it on this ground—that the bill was written in the interest of officers who were then in the service, and discriminated against officers who came into the service after July 1, 1920, and unless something like this bill is passed you discriminate further against the same class that the gentleman from Texas objected to discriminating against in the pay bill. One of the main purposes of the bill is to get rid of what the gentleman has termed war conditions so as to create a regular and equitable flow of promotions fair to those who have come into the service since July, 1920.

Mr. CONNALLY of Texas. The Army has its problem, too, because I saw in the press the other day that the greatest problem which confronts the War Department to-day is the adjustment of promotions.

Mr. OLIVER of Alabama. I do not think there is any question about that.

Mr. HUDDLESTON. And does not this bill permit the retention in the service of many who would otherwise be retired, so to that extent it adds to the blocking of promotions?

Mr. BRITTEN. I do not know what the gentleman is referring to.

Mr. HUDDLESTON. I am informed there are quite a number of officers who will have to be retired after March next, unless we pass this bill. They will have to be retired because of age or length of service, but with this bill, they will be able to retain them in the service, and it seems to me that is a queer way to promote promotions.

Mr. BRITTEN. The gentleman is in error.

Mr. CONNALLY of Texas. What I am protesting against, I will say to the gentleman from Alabama, is the idea of forcing competent officers out of the service simply to make way for the promotion of somebody else. I think that is a poor policy.

Mr. BRITTEN. May I answer the gentleman there?

Mr. CONNALLY of Texas. Yes.

Mr. BRITTEN. Unless a system is adopted providing for retirements out of the service, the time will come—and it will be within a year or two—when an entire graduating class from the Naval Academy will not be commissioned at all, but the entire class will be sent away with their graduating certificates with the words, "We have no places for you, because we have not created a proper flow of promotion in the Navy," and the entire class would go out, and, of course, the main reason for having the Naval Academy would be defeated.

Mr. CONNALLY of Texas. Could not that be remedied by reducing the number of cadets?

Mr. BRITTEN. Well, it could be done by having no cadets at all for a few years.

Mr. CONNALLY of Texas. Does not the gentleman think the purpose of having West Point and the Naval Academy would be justified if those graduating from West Point and the Naval Academy were permitted to go out into civilian life and held as a reserve there?

Mr. BRITTEN. I think that every man who comes out of the Naval Academy or West Point is a real national asset immediately.

Mr. CONNALLY of Texas. To be sure, but what excuse can the gentleman offer for retiring a captain who has 10 or 15 years yet to serve; a good man and an experienced man? What excuse is there for kicking him out and adding his name to the pay roll at three-fourths pay, simply to make provision for some other man to be promoted?

Mr. BRITTEN. There is no such parallel case in the Navy. I am talking about the men who have come out of the ranks and who are in the lower grades. They are men 40 or 45 years of age, and they are sitting at the same table with boys 22 years of age.

Mr. CONNALLY of Texas. Why could you not simply promote him without retiring him?

Mr. BRITTEN. No; he is right out of the Academy.

Mr. CONNALLY of Texas. That being so, how did he get at the same table with a man who may have had 15 years' service?

Mr. BRITTEN. The man with 15 years' service has come out of the ranks; he has worked up to ensign after years, many years. The academy graduate becomes an ensign at once. There are seven or eight hundred ex-enlisted men in the commissioned service.

Mr. CONNALLY of Texas. But that is not a comparable case. Here is a man who comes up from the ranks, and he is an old man when he gets into the commissioned service.

Mr. BRITTEN. No. He is in the service and then a war comes along with opportunity for him to be made an ensign or a lieutenant. He is a very splendid man, but he is not qualified to take an examination in geometry, the management of ships, radio, and a lot of other complicated studies which they receive at the Naval Academy. The gentleman himself, I am sure, would not want these seven or eight hundred men held in the service indefinitely.

Mr. CONNALLY of Texas. I do not see why they should not be held in the service. The gentleman says they are very efficient men.

Mr. BRITTEN. But they want to get out. There is no place for them in the service.

Mr. CONNALLY of Texas. They can resign, can they not?

Mr. BRITTEN. They can resign without pay, yes; but the gentleman would not have them do that, I am sure.

Mr. CONNALLY of Texas. Oh, the gentleman believes in padding the retirement roll with anyone who wants to get out of the Navy in order to provide opportunity for people to be promoted.

Mr. BRITTEN. Does the gentleman oppose the section in this bill that gives retirement status to these officers who have come out of the enlisted ranks?

Mr. CONNALLY of Texas. I am trying to get information about the bill.

Mr. BRITTEN. Knowing my colleague as I do, I am sure the gentleman would not oppose that.

Mr. VINSON of Georgia. These seven or eight hundred officers that came up from the ranks during the war are the ones who are creating the hump, and this bill provides for taking care of those men, and then there will be a constant flow of promotions; is not that correct?

Mr. BRITTEN. This bill aims to give them what they want.

Mr. VINSON of Georgia. Exactly; and we do not kick them out of the service.

Mr. BRITTEN. No; they are for it and I am sure the gentleman from Texas would be for it too.

Mr. CONNALLY of Texas. I am just trying to find out something about your bill.

Mr. WOODRUFF. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. WOODRUFF. The purpose of the bill is to take from the naval service the least efficient officers in each grade and to promote to that grade the most efficient in the next lower grade and in that way promote the efficiency of the entire Naval Establishment, is it not?

Mr. BRITTEN. Yes.

Mr. KETCHAM. Will the gentleman yield?

Mr. BRITTEN. Certainly.

Mr. KETCHAM. I read from the letter of the Secretary of the Navy, on page 3 of the report, this language:

The increased cost of the system by the enactment of this bill will be approximately \$31,000 for the years 1929, 1930, and 1931—

and then this very interesting language:

And thereafter will disappear.

Of course, this is very encouraging, but will the gentleman, before he takes his seat, make plain to those of us who are just ordinary landsmen how that will work out?

Mr. BRITTEN. Yes. Under existing law a lieutenant commander may be drawing more pay than a commander. Rank does not establish pay. Length of service does, and through his length of service he goes through various pay periods and a stagnation in the line, such as presented here, while it takes away from a man his opportunity of promotion to the next higher grade, does not take away from him his right of increased pay because of longevity, so that at the end of three years this \$31,000 per annum will stop. It will simply fade away through the operation of these various pay periods.

Mr. KETCHAM. Then pay is reckoned more upon service than upon rank?

Mr. BRITTEN. Almost entirely so. Rank has little to do with pay.

Mr. DOWELL. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. DOWELL. Does the gentleman hold that the pay of the one who takes the place of the retired officer, with his three-quarters pay, would be less than such officer would be receiving himself?

Mr. BRITTEN. I do not know that I get that.

Mr. DOWELL. Does the gentleman contend that the pay of the one who takes the place of the one retired, and the three-fourths pay that would go to the retired one, would be less than would be paid if he remained in the service?

Mr. BRITTEN. Oh, no; but retirements are made every year. This bill provides not only for a uniform flow of promotion, but practically a uniform flow of retirement, and when you retire a man, very often you save the Treasury money, because you only have so many men in the service anyway. There are 5,499 line officers in the service.

Mr. DOWELL. I accept the gentleman's argument so far as the benefit to the service is concerned, but on the question of the charge on the Treasury, it seems to me his statement would not be correct. The fact is that when you retire an officer on three-fourths pay you place another officer in his stead.

Mr. BRITTEN. That is true.

Mr. DOWELL. And the retired pay and the salary of the officer appointed in his stead will be more than the officer would be receiving if he remained in the service.

Mr. BRITTEN. Yes; and in the natural flow of human life, about the time one officer is getting on the retired list some one else is finding his way into the great beyond, and the pay in that way is equalized. That is the way they have figured this out, over a period of years.

Mr. DOWELL. But, of course, every one you retire is placed on the pay roll.

Mr. BRITTEN. That is true.

Mr. DOWELL. And that will increase just as long as you keep retiring them.

Mr. BRITTEN. True.

Mr. DOWELL. Then this cost will not stop, as stated in the report on the bill.

Mr. BRITTEN. I get the gentleman's point exactly. The gentleman shows two men on the pay roll rather than one, but the man who has come up and who has taken the other man's place might have been drawing the same pay.

Mr. DOWELL. Yes; but there must be some one coming up in rank.

Mr. BRITTEN. Way down below some one from the academy comes in, and up above some admiral will be drawing much more retired pay than this one man.

Mr. DOWELL. And on the whole this is an enlargement and an amplification of the entire service.

Mr. BRITTEN. Not in dollars and not in actual numbers.

Mr. VINSON of Georgia. And not in officers.

Mr. BRITTEN. I say not in actual number of officers.

Mr. TILSON and Mr. WOODRUFF rose.

Mr. BRITTEN. I yield first to the gentleman from Connecticut.

Mr. TILSON. I am interested in section 6, which seems to provide pay at the rate of 2½ per cent of their active-duty pay, multiplied by the number of years of service. How does this modify the present pay bill?

Mr. BRITTEN. It does not change it a particle. That language, up to 75 per cent of the pay, has been in existence for many years. In other words, a man may retire, and 2½ per cent on so many years will not reach 75 per cent, then he would only get that percentage of his pay.

Mr. TILSON. Does this modify in any way the pay as it is now carried in the pay act?

Mr. BRITTEN. No; it is the same language.

Mr. VINSON of Georgia. No change was made in the pay bill.

Mr. LAGUARDIA. Mr. Chairman, I want to call the attention of the House to the fact that the great confusion in understanding this bill is that that promotion has absolutely nothing to do with the pay. My objection to the bill at this time is that it will not bring the relief that is necessary in the Navy at this time. The morale of the Navy has been shot to pieces on account of the existing confusion in the present pay law. We should take the matter up as a whole and correct existing evils and not piecemeal as this bill will do.

As stated by the chairman, there are junior officers receiving more pay than the officers who command them. What I would like to suggest to the committee, and I think we might as well do it this afternoon, is to abolish the existing discrimination against officers of the Navy who have as a matter of record no dependents.

Let me illustrate: Take the United States battleship *Maryland*. The highest paid officer on that battleship is the doctor. He holds the rank of commander of the Medical Corps, and he receives more pay than the captain of the ship. Then there is the commander, the executive officer, immediately subordinate to the captain, and he receives more pay than the captain of the ship. That is due to the fact that the captain is not a married man. He is the highest ranking officer on the ship; he has the longest service of any officer of the ship—but because he has no dependents he is third in rate of pay.

Mr. VINSON of Georgia. Is it not a fact that Congress passed the pay bill on the basis of longevity and not on rank?

Mr. LAGUARDIA. Partially; the trouble here is that you have given the greater allowances to officers who happen to be married or have dependents. If you would wipe out that, you would remove the evil that exists to-day.

Mr. VINSON of Georgia. The fundamental principle was longevity and not the rank of the officer. For that reason probably the doctor has had a longer service than the captain.

Mr. LAGUARDIA. No. The doctor has 27 years' service and the captain has 33 years. The one is married, the other is not. Longevity is not the only factor that enters into the discrimination.

Mr. VINSON of Georgia. You penalize a man for being a bachelor.

Mr. LAGUARDIA. Can the gentleman give any sound reason for that condition?

Mr. VINSON of Georgia. But we have not come to that question yet. There is nothing in this bill that has anything to do with the pay.

Mr. BRITTEN. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BRITTEN. The Committee on Naval Affairs has before it at this moment a bill presented by the gentleman from New Hampshire [Mr. HALE] which seeks to do the very thing the gentleman from New York is objecting to. I will agree with him in the point that he is making.

Mr. LAGUARDIA. Let me say right here that to-day is Calendar Wednesday and the Naval Committee is in charge. They will have another day a week from to-day or possibly two weeks from to-day. If you do not get that bill up next Wednesday, when you have the call, you will not get it up at all. Are you ready to come back with the Hale bill?

Mr. VINSON of Georgia. My understanding is that the Hale bill comes up for hearing on Friday morning. We are endeavoring to correct these things now, and we will endeavor to correct the others as soon as we have the opportunity.

Mr. LAGUARDIA. Yes; but you can not bring up the morale by telling the officers that the Naval Affairs Committee will give them a hearing in the future. You must remove the discrimination that gives these married officers and officers with the dependents a greater allowance while on sea duty. If the committee wants to adjust matters and bring up the morale of the Navy, which is all shot to pieces, not only by officers discriminated against, but by the officers who receive the benefits of this stupid law, they should give the assurance that they will bring up the matter at the earliest possible moment. I do not see why you did not correct these conditions in this bill now before us.

Mr. VINSON of Georgia. We did not want to deal with the personal pay in this bill. We wanted to take each one separately.

Mr. LAGUARDIA. Then I understand the gentleman from Georgia to say that he is in favor of the Hale bill?

Mr. VINSON of Georgia. I shall make no statement of my position upon that until the hearing has been had, because it would be improper to do so, but we will have a hearing on Friday and if possible we will give the matter prompt consideration.

Mr. LA GUARDIA. I shall take my chances on that and after talking with several members of the Naval Committee I feel that the Hale bill will receive favorable consideration—but I want to emphasize the necessity for prompt action.

The CHAIRMAN. If there be no further general debate the Clerk will read the bill for amendment.

The Clerk read the bill a second time.

Mr. BRITTON. Mr. Chairman, I move that the Committee do now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MAPES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14039) to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes, and had directed him to report the same back without amendment, with the recommendation that it do pass.

Mr. BRITTON. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time and passed.

On motion of Mr. BRITTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

APPOINTMENT OF RADIO ELECTRICIANS TO THE GRADE OF ENSIGN

Mr. DARROW. Mr. Speaker, I call up the bill H. R. 5528, to enable electricians, radio electricians, chief electricians, and chief radio electricians to be appointed to the grade of ensign.

The SPEAKER. The gentleman from Pennsylvania calls up a bill which the Clerk will report.

The Clerk reported the title of the bill.

Mr. DARROW. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That electricians, radio electricians, chief electricians, and chief radio electricians shall be eligible for appointment to the grade of ensign under the restrictions imposed by law upon the appointment of boatswains, gunners, machinists, chief boatswains, chief gunners, and chief machinists to that grade.

Mr. DARROW. Mr. Speaker, the only purpose of this bill, as the text so clearly indicates, is to permit electricians, radio electricians, and chief electricians and chief radio electricians to take the examination, and if qualified, under existing law, to be appointed to the grade of ensign. It was supposed under the law passed on March 4, 1928, that they would have this privilege. That was the law that designated these new titles. The law provided that they should have the same rank, pay, and allowances that they had been receiving as when designated under the title of gunners for the various grades; but under a ruling, because it does not apply to all warrant officers, that privilege has been denied them. This does not entail any additional cost, and, in fact, as ensigns they will receive less pay than they would as warrant officers. It opens the door of opportunity for them to receive a commission as ensign and a further opportunity for advancement, provided they show proper efficiency.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. DARROW. Yes.

Mr. TILSON. Are these petty officers or warrant officers?

Mr. DARROW. They are warrant officers.

Mr. TILSON. Are they not eligible now to take the examination for appointment to the grade of ensign?

Mr. DARROW. No; under the ruling of the comptroller. The term that designates them in the old law granted that privilege of receiving an appointment as ensign, but it designated certain grades and it does not include the grades of paymaster, pharmacist, or carpenter, who, by the very nature of their occupation and qualifications, are not eligible for appointment to a commission in the line.

Mr. TILSON. What this bill really does, then, is to include in the same general classification of boatswains, gunners, machinists, chief boatswains, chief gunners, and chief machinists, the grades of electrician, radio electrician, and chief radio electrician, which are in fact all positions of recent development.

Mr. DARROW. Yes; it was only recently that the position of radio electrician has been developed, and there were no such positions or designations when the original act was passed in 1901.

Mr. TILSON. Then all this bill does is to give them the same status, so far as appointment to the grade of ensign is concerned, as machinists, gunners, boatswains, and so forth?

Mr. DARROW. That is all; absolutely nothing else.

The SPEAKER. There being no further debate, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

RETIRED AND TRANSFERRED MEMBERS OF THE NAVAL RESERVE FORCE, NAVAL RESERVE, AND MARINE CORPS RESERVE

Mr. MILLER. Mr. Speaker, by direction of the Committee on Naval Affairs, I call up the bill (H. R. 8537) for the relief of retired and transferred members of the Naval Reserve Force, Naval Reserve, and Marine Corps Reserve, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Washington calls up the bill H. R. 8537, which the Clerk will report.

The Clerk reported the title of the bill.

The SPEAKER. The gentleman from Washington asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the assignments of provisional ranks, grades, or ratings heretofore made to members of the Naval Reserve Force or Marine Corps Reserve, including the assignments of higher provisional ranks, grades, or ratings than those first assigned, are hereby validated and shall be conclusive for all purposes, from the dates of such assignments. The transfers to the retired list of all members of the Naval Reserve Force or Marine Corps Reserve heretofore made in the provisional ranks or grades held at the date of their retirement are hereby validated and shall be conclusive for all purposes.

Mr. BLACK of Texas. Mr. Speaker, I move to strike out the section. With regard to this section the Secretary of the Navy, in a letter to the Speaker of the House of Representatives on December 22, 1927, said:

Under the provisions of the act creating a Naval Reserve Force of August 29, 1916 (39 Stat. 587, 593), the Navy Department, acting under the opinion of the Attorney General (31 Op. Atty. Gen. 173), assigned in some cases a higher provisional rank than that assigned the reserves when first enrolled or transferred. Subsequently some of these reservists were retired in the higher provisional grade so assigned. The Comptroller General has ruled that retired reservists are only entitled to the retired pay of the highest confirmed rank in which they served, regardless of the actual provisional rank in which they had served or were serving at the time of their retirement (Comp. Dec. A-17028 of May 3, 1927). The Comptroller General has, however, allowed the payments made to the reservists affected prior to April 1, 1927. On July 1, 1925, provisional ranks were abolished and retirement in such ranks can not be made under the present law. The annual cost, if the proposed legislation is enacted, will amount to approximately \$14,715.

Now, from a reading of that paragraph it is, especially to one who is not technically posted on these matters, apparent that the situation was that the Navy Department was appointing men to higher provisional rank largely for the purpose of increasing retirement pay. In other words, when these officers reached near the retirement stage they were given what is known as "provisional" rank, a higher rank than their confirmed rank, and of course they were retired at a larger pay. Now, the Comptroller General has ruled that was illegal, that Congress had made no provision for that, and the Navy Department had no authority to do it. Now, that is the situation as it appears to me, and if Congress comes along at this time and ratifies something that was not right in the first instance—

Mr. MILLER. I can answer the gentleman from Texas by saying the Attorney General has delivered an opinion that the Navy Department could do that; that then there arose a difference in the interpretation of the same statute, one interpre-

tation by the Attorney General and the other interpretation by the comptroller. The Navy Department followed the interpretation by the Attorney General.

Mr. BLACK of Texas. Evidently the Congress follows the Comptroller General because by law we have provided the Navy Department can no longer retire these men at their provisional rank, but must retire them at their confirmed rank.

Mr. MILLER. There are about 21 officers in the Navy to be affected in this manner. The first section of the bill applies to commissioned officers, the second to enlisted men. We are now dealing with that section of the bill applying to commissioned officers. There are about 21 men in the Navy who ought to have the privilege of retiring on the same basis that their fellow officers had who retired prior to the abolishment of this procedure.

Mr. BLACK of Texas. As I understand this provision, it affects those men who are retired in their provisional rank and affecting whom the Comptroller General has held that they were not legally retired at that rank.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BLACK of Texas. I ask unanimous consent to proceed for five additional minutes.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. BLACK of Texas. Now, is it not a fact that these men were advanced to these provisional grades before their retirement for no other purpose than they might receive a greater retirement pay?

Mr. MILLER. No; the gentleman can not be borne out by any record of the Navy Department that such is the fact. They retired those gentlemen under the interpretation as given by the Attorney General of the United States, not for the purpose of giving them an advanced retirement status at all.

Mr. BLACK of Texas. Why were they given this provisional rank rather than given their confirmed rank?

Mr. MILLER. I do not know any reason for that, other than advancing these gentlemen according to the merits of the officer on the basis of ability and efficiency.

Mr. BLACK of Texas. Mr. Speaker, I think this particular section ought to go out of the bill for the very simple reason that if one reads the report of the committee he can only gather the justifiable inference that these men were given a provisional rank a short time before their retirement in order that they might draw the larger retirement pay than they otherwise would be given, and the Comptroller General, in discharging the duties imposed upon him by the Congress, has held that that was an illegal retirement, that they can only draw the pay of their confirmed rank, and Congress has given approval to the holding of the Comptroller General by passing a law on July 1, 1925, abolishing provisional rank, and retirement at such rank can not be made now under the present law.

Mr. MILLER. Does the gentleman think the reason Congress enacted a law prohibiting provisional appointment was to eliminate this dispute which had arisen between the naval department and the Comptroller General?

Mr. BLACK of Texas. It has been my experience that the effect of a situation like this is to provide greater retirement pay, and the gentleman knows that already the Treasury of the United States is greatly burdened by the appropriations for Navy and Army officers who are on the retired list. It promises to become more burdensome in the future rather than less.

The Congress has created the office of the Comptroller General for no other purpose than to see to it that the appropriations are expended as Congress intended they should be expended, and not as interpreted by the various departments of the Government.

Mr. MILLER. Mr. Speaker, will the gentleman yield for a short question?

Mr. BLACK of Texas. I yield to the gentleman.

Mr. MILLER. The Navy Department was placed in this situation: The Attorney General of the United States advised the Navy Department that they had a right to retire these officers according to the provisional rank held by the officers at the time of their retirement, and they proceeded according to that opinion of the Attorney General. Afterwards the Comptroller General ruled that the Navy Department was in error, and that they had no right to retire officers at a higher rank than the confirmed rank. Now, some of these officers have been retired, and the Navy Department wants to validate the retirements.

Mr. BLACK of Texas. They want to validate the retirement pay of this limited number of officers when Congress itself, on July 1, 1925, by an affirmative act, provided that the provisional

rank should be abolished and that no longer should officers be retired on that basis.

Mr. VINSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. VINSON of Georgia. Let me ask the gentleman from Texas this question: On whom should the Department depend for legal advice? They referred the question to the Attorney General and received his opinion. Is it not incumbent on the Department to adhere to the decision of the Attorney General? They did that.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BLACK of Texas. May I have five minutes more?

The SPEAKER. Is there objection?

There was no objection.

Mr. BLACK of Texas. I think there are many legal matters on which the Navy Department should have the legal opinion of the Attorney General and be guided thereby. But when it comes to the interpretation of the meaning and intent of Congress in expending an appropriation, we have set up an agency for that particular purpose, viz, the Comptroller General; and I hold that the Navy Department should submit those matters to the Comptroller General. I know that they do not want to do it. I know also that the War Department and other departments of the Government as a general rule do not want to submit these matters to the Comptroller General. There is sometimes a conflict in opinions between the Attorney General and the Comptroller General, and it is a matter of surprise to me that Congress itself, which created the office of the Comptroller General for the purpose of seeing that the money is spent as Congress intended it should be spent, more often yields to the various Government departments and takes the side of the departments rather than the Comptroller General when the Comptroller General has made a contrary decision to the wishes of the departments.

Mr. VINSON of Georgia. The reason for that is that the Comptroller General, regardless of the views of Congress, passes on these matters.

Mr. BLACK of Texas. I do not think the gentleman is correct in that. I do not think our present able Comptroller General is arbitrary in his decisions. On the contrary, I think he has exhibited in most instances a large amount of courage and splendid, good judgment, and has saved the Government of the United States millions of dollars by having some backbone—a thing that we need sorely in the administration of some of the Government departments.

Mr. VINSON of Georgia. If those decisions are not arbitrary, why does Congress reverse his rulings?

Mr. BLACK of Texas. Because the committees of Congress are largely influenced by the departments, with which they are in closer contact.

Mr. VINSON of Georgia. Is it not because the Congress knew what they intended to do when they passed the act?

Mr. BLACK of Texas. No. It is on account of the influence of the departments, with which they are in closer contact.

Mr. BRITTEN. The men covered by this provision had a provisional rank not for a small number of days but for a number of years.

The SPEAKER. The time of the gentleman from Texas has again expired.

Mr. BRITTEN. May I ask that the gentleman be allowed to proceed for three minutes more?

The SPEAKER. Is there objection?

There was no objection.

Mr. BRITTEN. The fact that the men had provisional rank for a number of years and were retired in that provisional rank is different from a case where a man has had provisional rank for only a week or month or a short period and then his retired pay amount is opposed by the comptroller; it is quite different in the case under consideration now. These men had a rank for a number of years. They did the duty of that rank, and they were retired with that rank, and the presumption of the department as well as the assumption of the man himself was that he was retired within the grade and with the retired rank and pay of his grade. It developed afterwards that the Comptroller General said, "Mr. Secretary, you are in error. Notwithstanding their length of service and rank, they can not be retired as you have done it." The department now is trying to rectify by this legislation its own mistake.

Mr. BLACK of Texas. The report of the committee does not give us any information as to the length of service of these men. I regret that the bill came up without previous notice. Under the circumstances I could not inform myself on that particular point. My position is based on the general policy

of the department to endeavor to have Congress by special enactment to overcome the decisions of the Comptroller General. There are probably times when it ought to be done. There are times when a decision of a court ought to be corrected by an affirmative act. But I am not sure that this is one of those cases. I think the Comptroller General was right in his ruling.

Mr. BRITTEN. We hope the gentleman will not oppose this legislation.

The SPEAKER. Does the gentleman from Texas desire a vote on his amendment?

Mr. BLACK of Texas. I desire a vote; yes.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 1, strike out all of section 1.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk concluded the reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CARE AND TREATMENT OF NAVAL PATIENTS IN OTHER GOVERNMENT HOSPITALS THAN NAVAL HOSPITALS

Mr. ANDREW. Mr. Speaker, by direction of the Committee on Naval Affairs, I call up H. R. 7209, to provide for the care and treatment of naval patients, on the active or retired list, in other Government hospitals when naval hospital facilities are not available, and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Massachusetts calls up a bill which the Clerk will report, and asks unanimous consent that it may be considered in the House as in Committee of the Whole. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter the Secretary of the Navy may provide for the care and treatment of naval patients on the active or retired list and members of the Naval Reserve entitled to treatment in naval hospitals in other Government hospitals when appropriate naval hospital facilities are not available and the Government agencies having control of such other hospitals consent thereto. All expenses incident to such care and treatment received by naval patients in other Government hospitals, excepting St. Elizabeths Hospital, shall be chargeable to the same appropriation or fund as would be chargeable with the care and treatment of such patients in a naval hospital: *Provided*, That the deductions authorized by sections 4812 and 4813, Revised Statutes, shall apply to such care and treatment in other Government hospitals, except St. Elizabeths Hospital, and shall be credited to said appropriation or fund: *Provided further*, That nothing in this act shall be construed as authorizing the payment of any transportation except as authorized by existing law.

With the following committee amendments:

Page 1, line 5, after the word "Reserve," insert the words "or Marine Corps Reserve."

Page 2, line 8, after the word "fund," strike out the remainder of the paragraph.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLIC QUARTERS FOR THE CHIEF OF NAVAL OPERATIONS

Mr. HANCOCK. Mr. Speaker, by direction of the Committee on Naval Affairs I call up H. R. 13370, authorizing the Secretary of the Navy to assign to the Chief of Naval Operations the public quarters originally constructed for the Superintendent of the Naval Observatory in the District of Columbia, and I ask unanimous consent that Senate bill 4402, an identical bill and which has already passed the Senate, be substituted for the House bill.

The SPEAKER. The gentleman from New York calls up the bill H. R. 13370 and asks unanimous consent that Senate bill 4402 be substituted for the House bill. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the Senate bill.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Navy, in his discretion, is hereby authorized to assign to the Chief of Naval Operations the public quarters constructed under the authority of a provision contained in the act of March 2, 1891 (28 Stat. L. 806), for the official residence of the Superintendent of the Naval Observatory in the District of Columbia.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER. Does the gentleman from New York yield to his colleague?

Mr. HANCOCK. For the purpose of speaking against the bill but not for the purpose of offering an amendment.

Mr. LAGUARDIA. I have the right to offer an amendment.

Mr. HANCOCK. Mr. Speaker, I yield all the time the gentleman wishes to speak against the bill, but not for the purpose of offering any amendment.

The SPEAKER. The gentleman declines to yield.

Mr. LAGUARDIA. I will speak against the bill, and you are going to have a roll call if you are going to take advantage of the situation. If that is the position the gentleman takes, we can both play at the game. It was understood that I should offer an amendment.

Mr. BRITTEN. That is right.

Mr. LAGUARDIA. But the gentleman from New York refuses to yield for that purpose.

Mr. HANCOCK. My instructions were to use all fair parliamentary means to pass this bill. If this is unfair, I am perfectly willing to withdraw my objection. I am informed by the chairman of the committee that I should not insist on my objection, so I yield to the gentleman for the purpose of offering any amendment he sees fit to offer.

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: At the end of the Senate bill insert the following:

"SEC. 2. That for the purpose of constructing an official residence for the Superintendent of the Naval Observatory in the District of Columbia, the sum of \$20,000 is hereby authorized to be appropriated."

Mr. BLACK of Texas. Mr. Speaker, I make the point of order that the amendment is not in order. It is not germane to the bill.

Mr. LAGUARDIA. It certainly is.

The SPEAKER. The Chair will hear the gentleman.

Mr. BLACK of Texas. Mr. Speaker, this bill authorizes the Secretary of the Navy to assign to the Chief of Naval Operations the public quarters constructed for the Superintendent of the Naval Observatory in the District of Columbia. It covers only that one subject. There are already quarters for the Superintendent of the Naval Observatory.

Mr. LAGUARDIA. But you are putting him out.

Mr. BLACK of Texas. And it is proposed to assign those quarters to the Chief of Naval Operations. The gentleman from New York is now offering an entirely new proposition, that of constructing another residence for the Superintendent of the Naval Observatory, which is entirely another subject and is not germane to the bill under consideration.

Mr. LAGUARDIA. Mr. Speaker, I insist that my amendment is germane in that the very purpose of the bill is the use of the quarters now assigned by law to the Superintendent of the Naval Observatory by putting the Superintendent of the Naval Observatory out of those quarters and putting the Chief of Naval Operations in. Therefore an amendment providing quarters for this officer is germane. If it is not germane here, it would not be germane anywhere. The two subjects are related.

The SPEAKER. The Chair thinks that the construction of a new residence is an entirely different subject and that an amendment providing for such construction is not germane. Therefore the Chair sustains the point of order made by the gentleman from Texas.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

MEETING OF CERTAIN STATE DELEGATIONS

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker and gentlemen, I have been requested by interested Members of the House and

Senate to ask Members from the following States, Texas, Mississippi, Alabama, Georgia, Florida, South Carolina, Missouri, Tennessee, Arkansas, Oklahoma, Iowa, Louisiana, and Minnesota, to meet in the caucus room of the majority in the House Office Building to-morrow morning at 11 o'clock for the purpose of discussing and devising ways and means of meeting a situation which is of great importance to the Gulf ports and the South Atlantic ports and these sections of the country served by those ports. I sincerely trust there will be a large attendance to-morrow morning at 11 o'clock at the place designated. Ocean rates and the necessity of preserving the Gulf and South Atlantic ports upon a parity with North Atlantic ports will be the subject of discussion.

I thank you, Mr. Speaker.

LEAVE OF ABSENCE

Mr. WELSH of Pennsylvania. Mr. Speaker, I desire to make application for indefinite leave of absence for my colleague, Hon. BENJAMIN GOLDBER, due to the severe and critical illness of his brother in California.

The SPEAKER. Without objection it is so ordered.

There was no objection.

By unanimous consent leave of absence was granted to—

Mr. MEAD, for three days, on account of death in his family.

Mr. WAINWRIGHT, for December 5, on account of death of a close friend.

Mr. BELL, for one week, on account of important business.

Mr. CROSSER. Mr. Speaker, I ask indefinite leave of absence for my colleague, Mr. FLETCHER, on account of illness.

The SPEAKER. Without objection it is so ordered.

There was no objection.

ADDRESS OF PRESIDENT COOLIDGE TO THE PEOPLE OF VERMONT

Mr. BRIGHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by the President at Bennington, Vt., on the 21st of September, 1928.

The SPEAKER. The gentleman from Vermont asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. BRIGHAM. Mr. Speaker, President Coolidge, on invitation of Gov. John E. Weeks, visited Vermont last September to see what progress had been made by the people of the State in rehabilitating the flood-devastated regions and to visit Burlington, the birthplace of Mrs. Coolidge, and Plymouth, his own birthplace. The presidential party traveled over the Central Vermont and Rutland Railroads, where opportunity was given to see those sections which were worst damaged by the flood of 1927. At Bennington, on the 21st of September, President Coolidge made the following speech, which I include under leave to extend my remarks in the RECORD:

My fellow Vermonters, for two days we have been traveling through this State. We have been up the east side, across and down the west side. We have seen Brattleboro, Bellows Falls, Windsor, White River Junction, and Bethel. We have looked toward Montpelier. We have visited also Burlington and Middlebury. Returning we have seen Rutland.

I have an opportunity of visiting again the scenes of my childhood. I want to express to you, and through the press to the other cities of Vermont, my sincere appreciation for the general hospitality bestowed upon me and my associates on the occasion of this journey.

It is gratifying to note the splendid recovery from the great catastrophe which overtook the State nearly a year ago. Transportation has been restored. The railroads are in a better condition than before. The highways now are open to traffic for those who wish to travel by automobile.

Vermont is a State I love.

I could not look upon the peaks of Ascutney, Killington, Mansfield, and Equinox without being moved in a way that no other scene could move me.

It was here that I first saw the light of day; here I received my bride; here my dead lie pillowed on the loving breast of our everlasting hills.

I love Vermont because of her hills and valleys, her scenery and invigorating climate; but, most of all, because of her indomitable people. They are a race of pioneers who have almost beggared themselves to serve others. If the spirit of liberty should vanish in other parts of the Union, and support of our institutions should languish, it could all be replenished from the generous store held by the people of this brave little State of Vermont.

TOLL BRIDGES

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an analysis of a bill that I propose to introduce.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker, the question of continuing the present policy of the Congress of granting franchises to professional promoters without regard to public interests to construct and operate toll bridges connecting county, State, and national highways is one of such importance that it should receive attention before any additional grants are extended.

I have given a great deal of study to this problem, have made such investigations as my time would permit, and after securing the views of the Bureau of Public Roads of the Department of Agriculture, the American Automobile Association, and the National Association of State Highway Officials, have prepared a bill which I introduced to-day advancing the thoughts of these well-posted individuals upon this most important subject. The bill is offered as a substitute for the existing bridge act of March 23, 1906.

A bill originally prepared by the National Association of State Highway Officials was introduced in the Sixty-ninth and present Congresses. This measure contained numerous objectionable features which have been eliminated, and in lieu thereof I substituted suggestions of the Bureau of Public Roads.

I might say that the Bureau of Public Roads, the National Association of State Highway Officials, and certain officials of the American Automobile Association have not only looked with favor upon the measure as now drawn, but are ready and willing to appear before the Committee on Interstate and Foreign Commerce to urge favorable action.

In the last session of Congress a great deal of time was consumed in the consideration of bridge bills. Indisputable facts were presented to the House which proved beyond question professional promoters, who could be classed as high-powered salesmen, secured and sold for their financial benefit franchises from the Congress without as much as spending one cent of their own money in the construction of bridges. Public interests were disregarded. Not only bonds but stock were issued. The bridge, if constructed, was built with funds secured from the sale of securities to the public, the promoters stepping out when they secured their fees for the assignment of the franchise, leaving the bondholders to hold the bag in the event the project failed to prove successful.

In one instance I showed where a man who had been convicted on a plea of guilty to defrauding the United States Government of income tax, who was fined by a Federal judge, and who was required to pay the Government over \$100,000 taxes and penalties, had secured either in his own name or in the name of corporations which he promoted, over 30 franchises.

Other Members joined me in preventing the passage of additional bills in which it was known this man, E. M. Elliott, had an interest. It was thought he had been eliminated from the picture, but in the closing week of the last session I was advised by Judge Sinnott, of Oregon, that Elliott was in correspondence with citizens of his State seeking their cooperation in the promotion of toll bridges in Oregon.

I was informed by the officials of the Oregon State Highway Commission that the commission was opposed to the construction of privately owned, operated, and controlled toll bridges; in fact, the citizenry of that State is opposed to toll bridges or toll roads of any kind or character, but insist if toll bridges or toll roads must be constructed they should be constructed, owned, and operated by the public. I am in full accord with this declaration of policy.

For the information of Members of the House, as well as citizens who the promoters seek to induce to secure franchises for them, I include in my remarks the letter written the State highway engineer of Oregon by E. M. Elliott:

E. M. ELLIOTT AND ASSOCIATES (INC.).

Chicago, March 29, 1928.

Mr. RAY A. KLEIN,
State Highway Engineer, Salem, Oreg.

DEAR MR. KLEIN: The time has come when it is incumbent upon us to advise you of certain of our proposed operations having to do with your State both in so far as intrastate, as well as interstate, bridges are concerned.

E. M. Elliott & Associates is a corporation organized under the laws of the State of Illinois, the business of which is to promote, finance, design, construct, operate, and maintain toll bridges, ferries, and to build wharves, landings, and the like, and to make land by reclamation, and in general to promote, finance, and construct things physical.

We have adequate banking connections with which to finance anything an analysis of which would indicate it to be economically practicable.

At our instance, for instance, the J. G. White Engineering Corporation is building numerous bridges—other banking houses are building other bridges and doing other things for us.

We have very carefully analyzed the potential bridge at Astoria and it looks good. We have certain franchises and are undertaking to procure other franchises. Likewise, we have franchises, both granted and pending, in Washington and Oregon.

Will you be kind enough to indicate to us the attitude of your department relative to the building of toll bridges within the limits of your State; likewise, interstate toll bridges. We are cognizant of the best interests of the people and we are anxious at all times to protect them, as may be evidenced in the sample franchise which is a part of the inclosed questionnaire.

In every instance we include in our congressional act a proper recapture clause.

After quoting the recapture clause now being placed in all toll bridge bills the letter proceeds as follows:

Will you be kind enough to give us your version of the subject matter as in the premise at your early convenience, and greatly oblige.

Very truly yours,

E. M. ELLIOTT & ASSOCIATES.
E. M. ELLIOTT.

The Portland Oregonian of the 29th of last month, a very reliable newspaper, contained an item under an Astoria, Oreg., headline stating the chamber of commerce of that city had received a telegram from Elliott reading as follows:

Steinman's Astoria report enthusiastically received by interested parties.

The Steinman referred to is said to be a New York bridge engineer. The article also stated that Elliott's firm known as E. M. Elliott & Associates, of Chicago, represented interests considering the bridge project at Astoria.

The State officials have no voice under existing law, for if Congress grants consent for the construction of a toll bridge the courts have held it can be constructed even though the State is opposed to toll bridges. The bill I introduced extends authority to the various States which will enable the people to prevent construction of toll bridges if they so desire.

Elliott, who leaves the picture as soon as he sells the franchise, states in this letter his corporation has certain franchises and is undertaking to procure other franchises; that they have franchises, both granted and pending, in Washington and Oregon, he says.

Is the Congress to permit this man to carry on his operations? Will the membership of this House grant additional franchises to Elliott, who was securities sales manager for the Gandy bridge in Florida, official records showing it cost less than three million to construct, and for which nearly \$5,000,000 in securities were issued?

Elliott is not alone as a professional toll-bridge promoter. There are probably a dozen or more engaged in the same business. The Bureau of Public Roads and the various State highway officials have been handicapped in their attempt to secure information in reference to cost of promotion and financing, cost of construction, and amount of revenue earned by toll bridges. The promoters decline to advance the information when called upon. If the facts can not be secured in any other way, they can be secured by a congressional investigation.

Promoters actually have representatives here in Washington. They have visited my office and I have seen them pacing the Halls of the House Office Building and Capitol. I have seen them sitting in the gallery on unanimous-consent day waiting for action on bills on the calendar. Elliott's representative was here during the closing days of the last session and could be seen daily about the House Office Building and in the Capitol.

It took over a hundred years to eliminate the toll roads. Are the old toll roads to be replaced with toll bridges with the consent of the United States Congress?

Bridges are a necessity, but they should be constructed and operated not by private individuals and corporations, but by the State or States or by some subdivision thereof.

The attention of the Members of the House is directed to the annual report of the Chief of the Bureau of Public Roads on this subject. He points out the necessity of immediate action by the Congress. National and State highways are now connected by toll bridges over navigable streams throughout the country. Unless Congress calls a halt there will soon be 500 such structures.

In my own State—Missouri—at the November election, the citizenry of the State approved a \$75,000,000 road-bond issue. I am pleased to say the authorization included in the amendment to the State constitution, which passed by a large majority, provisions for the construction of bridges connecting State high-

ways. In view of this provision there is no necessity for the passage of any bills granting permission to private individuals to construct bridges in Missouri other than railroad bridges, and I feel the members of the Missouri delegation will join me in preventing the passage of any such bills in the future.

Missouri has spent \$90,000,000 in the last five years in the construction of concrete roads, not speaking of additional millions collected from automobile taxes and gasoline taxes, practically all of which has been applied for the upkeep of and construction of roads; \$75,000,000 additional has now been authorized, and added to this will be \$37,500,000 received under the Federal aid act, or a total of \$112,500,000. The people wisely concluded if their money could be used for the construction of roads it also could be used for the construction of bridges to connect the roads within the boundaries of the State.

We have a paved highway from St. Louis to Jefferson City, the capital of the State, but if one desires to travel over these concrete roads to reach the capital it is necessary to cross two toll bridges. I am happy to say, however, the two bridges have been purchased by counties, and the revenue derived from tolls will soon retire outstanding bonds and the bridges will become free.

Numerous toll bridges have probably been constructed without authority over navigable streams. My attention was directed to the opening of a toll bridge over the Gasconade River in Phelps County, Mo. Failing to recall that Congress had granted permission for the construction of this bridge, I addressed a communication to the United States district engineer at Kansas City asking under what authority the bridge had been erected. He replied that my letter was the first information his office had ever received that a bridge was located at that place. On a visit to our State capital I called on the chief engineer of the State highway commission. He informed me I must be mistaken as to the location, but when I insisted that the bridge was not only constructed but operating and charging tolls, he stated he would send one of his assistants to the place and let me hear from him. This was in September, but as yet I have not heard from him. Despite the fact that these two public agencies had never heard of this bridge, it is to-day, and has been for months, operating and charging tolls.

For the information of the membership of the House I offer as part of my remarks a synopsis of bill entitled "A bill to regulate the construction of bridges over navigable waters of the United States and for other purposes."

PURPOSE OF BILL

The bill is designed to relieve Congress of the burden of giving consideration to the increasing number of bills introduced each session for the construction of bridges over navigable waters and to place such authorizations in the hands of the Secretary of War, in so far as the interests of navigation are concerned, and in the hands of the Secretary of Agriculture of the United States and the highway departments of the respective States, in so far as the interests of highway traffic are concerned.

APPROVAL REQUIRED

The bill provides (sec. 1) that before any bridge over any navigable water shall be constructed, or the construction thereof commenced, the location and the plans and specifications shall be submitted to and approved by the Secretary of War and by the Chief of Engineers as being satisfactory, in so far as navigation is concerned; and that the construction of no such bridge, which is to be a privately owned toll bridge, shall be commenced upon the system of Federal aid highways or the system of State highways, or upon any highway constituting a direct or immediate extension of either such highway systems or forming a connection between two routes embraced therein, until the location, design, plans, specifications, and contract for its construction shall have been submitted to and approved also by the highway department of the State in which located and by the Secretary of Agriculture, as being satisfactory from the standpoint of cost and traffic. In the case of any such privately owned toll bridge between two or more States, approval from the standpoint of cost and traffic shall be by the highway department of each interested State, and in the event of inability, failure, or refusal on the part of the highway departments of such States, or any of them, to give such approval, the same shall be submitted to the Secretary of Agriculture, and if approved by him, approval by the highway departments shall not be required. All such privately owned toll bridges, both during construction and upon final completion, shall be subject to inspection and approval by the highway departments of the States in which located; shall be maintained in a manner satisfactory to such highway departments; and the annual expenditures for maintenance, repair, and operation shall be subject to approval by the highway departments.

IF NAVIGATION OBSTRUCTED

If (sec. 2), in the opinion of the Secretary of War, any bridge erected or maintained under the provisions of the bill shall unreasonably obstruct free navigation of the waters over which it is built, the Secretary of War, after giving interested parties reasonable opportunity to be heard, shall notify the persons owning or controlling such bridge, at their expense, to so alter the same as to remove such obstruction.

REGULATION OF TOLL CHARGES

The collection of tolls for transit over any such privately owned bridge shall be illegal unless the approval required by the bill shall have been obtained. (Sec. 1, sec. 5, par. c.) Toll charges shall be just and reasonable and when for a bridge wholly within one State shall be subject to approval and revision from time to time by the highway department, or other State body in which such legal authority may be vested. In the case of any such bridge between two or more States, said tolls shall be subject to approval and revision by the legally empowered authorities of all such interested States, acting jointly, or by the Secretary of War in event of inability, failure, or refusal on the part of such interested States to fix and agree upon the rates. The proceeds of the tolls collected shall be used, first, to pay reasonable maintenance, repair, and operation costs; second, to pay not to exceed 7 per cent on the cost of the bridge as finally determined in accordance with the provisions of the bill; and, third, one-half of any funds then remaining shall be retained by the owners of the bridge and the other half shall be paid into the treasury of the State and credited to a sinking fund to be used by such State in acquiring the bridge, and the highway department of the State shall have the authority at any time to utilize said sinking fund, or any portion thereof, for purchasing and retiring any outstanding obligations legally incurred against such bridge. (Sec. 3.)

STATES OR SUBDIVISIONS MAY BUILD AND OPERATE TOLL BRIDGES

Any bridge which will exceed in cost the public funds which reasonably may be applied thereto may be built by the State or by any political or other subdivision thereof and operated as a toll bridge until the proceeds, in addition to meeting annual maintenance, repair, and operation costs, shall, within not to exceed 25 years, reimburse such State or subdivision the cost of constructing the bridge, including interest and financing charges incident thereto, but excluding any Federal funds which may be paid thereon. (Sec. 4.)

BRIDGES WHICH STATE OR SUBDIVISIONS ARE NOT IN POSITION TO FINANCE

Where a State or its subdivisions shall not be in position to finance the construction of a bridge, the highway department of such State may advertise for sealed proposals for a permit to construct and operate such bridge as a toll bridge. All bids received shall be publicly opened and read by the highway department, and said department may issue a permit to the applicant offering the most advantageous terms from the public standpoint. No approval for the construction of any privately owned toll bridge shall be given by the Secretary of War until the highway department of the State in which such bridge may be situated shall have filed with him a certificate of inability to finance the construction of such bridge, and that a permit for its construction has been issued to the individual, firm, or corporation applying for such approval. The power of eminent domain is conferred upon any individual, firm, or corporation proposing to build any such bridge between two or more States. (Sec. 5, pars. a, b.)

STATES OR SUBDIVISIONS MAY ACQUIRE PRIVATELY OWNED TOLL BRIDGES

At any time after completion of any such bridge the State, or States, or any subdivisions thereof, within or adjoining which it may be located may acquire the same by purchase or condemnation. If it is acquired by condemnation after 10 years from the date of its completion the amount of compensation or damages to be allowed therefor shall not include good will, going value, or prospective revenues or profits, and shall not exceed (1) the actual cost of constructing the bridge and its approaches, less a reasonable depreciation deduction; (2) the actual cost of acquiring necessary real estate; (3) actual financing and promotion costs, not exceeding 10 per cent of the cost of constructing the bridge and its approaches and acquiring necessary real estate; and (4) actual expenditures for necessary betterments and improvements. In the case of any bridge so acquired and operated as a toll bridge, the rates of toll shall be so adjusted as to meet the annual maintenance, repair, and operation costs and, within not to exceed 25 years, provide a sinking fund sufficient to amortize the amount paid therefor. (Sec. 5, pars. c, d.)

SWORN ITEMIZED STATEMENT OF COST SHALL BE FILED

The individual, firm, or corporation constructing any such bridge shall, within 90 days after its completion, file with

the Secretary of Agriculture, if it be located in more than one State, and with the highway department if located wholly within one State, a sworn itemized statement of the actual cost of constructing such bridge and its approaches and the actual cost of acquiring any interest in real property necessary therefor, including not to exceed 10 per cent for financing and promotion costs. Within one year from the date on which such statement is filed, the Secretary of Agriculture or the highway department, as the case may be, shall investigate the same and the findings made by them shall be conclusive as to such costs, subject only to review in a court of equity for fraud or gross mistake. No such bridge shall be encumbered by the issue of stock, bonds, notes, mortgages, or other evidences of indebtedness in an amount which, including all previous encumbrances, whether retired or still outstanding, will exceed its aggregate cost as thus determined. Any encumbrance of whatever nature placed against any such bridge for a longer period than five years shall be subject to call at par plus accrued interest at any time after five years. (Sec. 5, par. e.)

PERMITS MAY NOT BE TRANSFERRED PRIOR TO COMPLETION OF BRIDGE

No permit issued to any individual, firm, or corporation for the construction of any bridge, or any right acquired thereunder, shall be voluntarily sold, assigned, or transferred without the prior written approval of the State highway department, and any agreement for such sale, transfer, or assignment entered into prior to completion of the bridge and without such approval shall be null and void. (Sec. 5, par. f.)

RECORD OF DAILY TOLLS AND EXPENDITURES

Any State, or any subdivision thereof, or any individual, firm, or corporation, operating a toll bridge under the provisions of the bill shall keep a record of daily tolls collected, capital invested, and actual necessary expenses for maintenance, repair, and operation, which record shall be available at any time to the highway departments of the interested States, to the Secretary of War, and to the Secretary of Agriculture of the United States, or to their authorized representatives. A uniform method of keeping such records may be prescribed by such highway departments. (Sec. 6.)

NONCOMPLIANCE WITH ORDER OF SECRETARY OF WAR OR CHIEF OF ENGINEERS—PENALTY

Any persons who shall fail or refuse to comply with any order of the Secretary of War or of the Chief of Engineers, made in accordance with the provisions of the bill, shall be guilty of a violation thereof, and on conviction shall be punished by a fine of not to exceed \$5,000. In addition, the Secretary of War and the Chief of Engineers upon refusal of the persons owning or controlling any such bridge to comply with such order in regard thereto, may cause the removal of same at the expense of such persons. (Sec. 7.)

PERIOD WITHIN WHICH ANY BRIDGE MUST BE COMMENCED AND COMPLETED

Construction work on any bridge authorized under the bill shall not be commenced nor continued after the expiration, respectively, of one and three years following the date of the approval required by section 1 unless such time limits are duly extended by the Secretary of War. (Sec. 8.)

APPLICATION OF BILL

The bill would apply to all bridges, including necessary approaches, over navigable waters of the United States, except such as will connect with foreign countries, bridges of the latter type being reserved for specific authorization of Congress. (Secs. 9–11.)

PENALTIES FOR VIOLATION OF BILL

Any violation of the bill would be a misdemeanor punishable by fine of not to exceed \$5,000, except where a different punishment is provided. (Sec. 12.)

The right to alter, amend, or repeal the bill is expressly reserved, and the existing general bridge act of March 23, 1906 (34 Stat. 84), and all other acts or parts of acts in conflict would be repealed.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 1512. An act to provide for contests of certain oil and gas permits; to the Committee on the Public Lands.

S. 1624. An act to authorize the payment of additional compensation to the assistants to the engineer commissioner of the District of Columbia; to the Committee on the District of Columbia.

S. 2294. An act to amend the first paragraph of section 7 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes,"

approved February 28, 1925; to the Committee on the Post Office and Post Roads.

S. 3219. An act for the relief of the Poston Brick Co.; to the Committee on Ways and Means.

S. 3433. An act to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," as amended; to the Committee on the Judiciary.

S. 4206. An act authorizing the Director of the Census to collect and publish certain additional cotton statistics; to the Committee on the Census.

S. 4337. An act for the relief of Booth & Co. (Inc.), a Delaware corporation; to the Committee on War Claims.

S. 4488. An act declaring the purpose of Congress in passing the act of June 2, 1924 (43 Stats. 253), to confer full citizenship upon the Eastern Band of Cherokee Indians, and further declaring that it was not the purpose of Congress in passing the act of June 4, 1924 (43 Stats. 376), to repeal, abridge, or modify the provisions of the former act as to the citizenship of said Indians; to the Committee on Indian Affairs.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 10869. An act amending section 764 of Subchapter XII, fraternal beneficial associations, of the Code of Law for the District of Columbia.

H. R. 13753. An act authorizing an expenditure of certain funds standing to the credit of the Cherokee Nation in the Treasury of the United States to be paid to one of the attorneys for the Cherokee Nation, and for other purposes.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, bills and joint resolutions of the following titles:

H. R. 1533. An act for the relief of Theodore Herbert;

H. R. 3170. An act for the relief of Franklin B. Morse;

H. R. 3723. An act for the relief of John M. Andrews;

H. R. 3844. An act for the relief of Myra Madry;

H. R. 5894. An act for the relief of the State Bank & Trust Co., of Fayetteville, Tenn.;

H. R. 6432. An act for the relief of James E. Moyer;

H. R. 7236. An act for the relief of James M. Long;

H. R. 8529. An act authorizing the Court of Claims to hear and determine questions of law involved in the alleged erroneous collection of tonnage taxes in 1920 and 1921 on three vessels operated by the Standard Oil Co. of New Jersey, under bareboat charter from a Danzig corporation;

H. R. 8728. An act to authorize the Postmaster General to give motor-vehicle service employees credit for actual time served on a basis of 1 year for each 306 days of 8 hours served as substitute;

H. R. 9319. An act for the relief of the Glens Falls Insurance Co., of Glens Falls, N. Y.;

H. R. 9320. An act for the relief of the Home Insurance Co., of New York, N. Y.;

H. R. 9710. An act for the relief of the State of South Carolina;

H. R. 10885. An act to amend sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. L. p. 437);

H. R. 12354. An act to grant to the city of Leominster, Mass., an easement over certain Government property;

H. R. 12951. An act providing for the purchase of 640 acres of land, more or less, immediately adjoining Camp Clark, at Nevada, Mo., and authorizing an appropriation therefor;

H. R. 13406. An act to authorize the city of Fort Thomas, Ky., to widen, improve, reconstruct, and resurface Fort Thomas Avenue and to assess the cost thereof against the United States according to front feet of military reservation abutting thereon, and authorizing an appropriation therefor;

H. R. 13778. An act authorizing Alex Gonzales, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Rio Grande near the town of Ysleta, Tex.;

H. J. Res. 168. Joint resolution for the appointment of W. S. Albright, of Kansas, as a member of the Board of Managers of the National Homes for Disabled Volunteer Soldiers; and

H. J. Res. 193. Joint resolution for the appointment of Roy L. Marston, of Maine, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers;

ADJOURNMENT

Mr. BRITTEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 46 minutes p. m.) the House adjourned until to-morrow, Thursday, December 6, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, December 6, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

State, Justice, Commerce, and Labor Departments appropriation bill.

Agriculture Department appropriation bill.

War Department appropriation bill.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

641. A letter from the Secretary of War, transmitting 480 reports of inspections of disbursements made by officers of the Army, which inspections were made by the Inspector General's Department during the fiscal year ended June 30, 1928; to the Committee on Expenditures in the Executive Departments.

642. A letter from the Secretary of the Treasury, transmitting annual report of the Secretary of the Treasury on the state of the finances for the fiscal year ended June 30, 1928 (H. Doc. No. 351); to the Committee on Ways and Means and ordered to be printed.

643. A letter from the Secretary of the Navy, transmitting draft of a proposed bill "To authorize alterations and repairs to the U. S. S. *California*"; to the Committee on Naval Affairs.

644. A letter from the Secretary of War, transmitting report submitted by an officer of the Inspector General's Department dated October 10, 1928, of the annual inspection by him for the fiscal year ending June 30, 1928, of the National Home for Disabled Volunteer Soldiers, its branches, disbursements, management, discipline, and condition; to the Committee on Expenditures in the Executive Departments.

645. A letter from the Attorney General, transmitting statement of the expenditures under appropriations for the United States Court of Customs Appeals for the fiscal year ended June 30, 1928; to the Committee on Expenditures in the Executive Departments.

646. A letter from the Secretary of the Interior, transmitting two tables showing the cost and other data with respect to Indian irrigation projects as compiled to the end of the fiscal year ended June 30, 1928; to the Committee on Indian Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WOOD: Committee on Appropriations. H. R. 14801. A bill making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes; without amendment (Rept. No. 1929). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. W. T. FITZGERALD: Committee on Invalid Pensions. H. R. 14800. A bill granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war; without amendment (Rept. No. 1928). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII the Committee on Claims was discharged from the consideration of the bill (H. R. 14616) for the relief of the heirs of Daniel Linebaugh, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. W. T. FITZGERALD: A bill (H. R. 14800) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war; committed to the Committee of the Whole House on the state of the Union.

By Mr. WOOD: A bill (H. R. 14801) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes; committed

to the Committee of the Whole House on the state of the Union.

By Mr. MURPHY: A bill (H. R. 14802) granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., for the maintenance and operation of a bridge across the Ohio River at Steubenville, Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. QUIN: A bill (H. R. 14803) to extend the time for completing the construction of the bridge across the Mississippi River at Natchez, Miss., three years from May 3, 1928; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMSON: A bill (H. R. 14804) to increase the import duty on certain minerals, eggs, and grains; to the Committee on Ways and Means.

By Mr. BRAND of Ohio: A bill (H. R. 14805) to amend the tariff act of 1922 by transferring rag pulp from the free list to the dutiable list; to the Committee on Ways and Means.

By Mr. BRITTEN: A bill (H. R. 14806) to provide for advancement in rank of certain officers on the retired list of the Navy; to the Committee on Naval Affairs.

By Mr. COHEN: A bill (H. R. 14807) to apply the pension laws to the Coast Guard; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 14808) authorizing the heirs of Elijah D. Myers to purchase land in section 7, township 28 south, of range 11 west, Willamette meridian, county of Coos, State of Oregon; to the Committee on the Public Lands.

Also, a bill (H. R. 14809) authorizing the heirs of Elijah D. Myers to purchase land in section 7, township 28 south, of range 11 west, Willamette meridian, county of Coos, State of Oregon; to the Committee on the Public Lands.

By Mr. HOWARD of Oklahoma: A bill (H. R. 14810) authorizing the Secretary of the Interior to contract with the State of Oklahoma for the education, medical attention, care of the insane, and relief of distress of restricted Indians and their children in the State of Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. McMILLAN: A bill (H. R. 14811) to provide for the reincorporation of the Grand United Order of the Eastern Gates of America; to the Committee on the District of Columbia.

By Mr. MOORE of Virginia: A bill (H. R. 14812) to extend the time for commencing and completing the construction of a bridge across the Potomac River and to authorize the use of certain Government land; to the Committee on Interstate and Foreign Commerce.

By Mr. MORIN: A bill (H. R. 14813) to authorize an appropriation for completing the new cadet mess hall, United States Military Academy; to the Committee on Military Affairs.

By Mr. SIROVICH: A bill (H. R. 14814) to provide for the inspection of chickens, ducks, geese, pigeons, and turkeys; to the Committee on Agriculture.

By Mr. ZIHLMAN: A bill (H. R. 14815) to amend an act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplemental thereto; to the Committee on the District of Columbia.

By Mr. BURTNESS: A bill (H. R. 14816) to authorize the President of the United States to present in the name of Congress a medal of honor to Lieut. Carl Benjamin Eielson; to the Committee on Military Affairs.

By Mr. CRAMTON: A bill (H. R. 14817) to amend section 257, page 584, United States Code, with reference to duty on equipments or repair parts for vessels; to the Committee on Ways and Means.

By Mr. CURRY: A bill (H. R. 14818) to authorize the Secretary of War to grant a right of way to the Southern Pacific Railroad Co. across the Benicia Arsenal Military Reservation, Calif.; to the Committee on Military Affairs.

By Mr. DAVIS: A bill (H. R. 14819) to amend an act entitled "An act for the regulation of radio communications and for other purposes," approved February 23, 1927; to the Committee on the Merchant Marine and Fisheries.

By Mr. GOLDSBOROUGH: A bill (H. R. 14820) providing for the establishment and operation of a Weather Bureau station within the first congressional district of Maryland; to the Committee on Agriculture.

By Mr. KEMP: A bill (H. R. 14821) authorizing an appropriation of \$1,500 for maintenance of market news service on fruit and vegetables for strawberry market reporting office at Hammond, La.; to the Committee on Agriculture.

By Mr. KIESS: Joint resolution (H. J. Res. 333) for the relief of Porto Rico; to the Committee on Insular Affairs.

By Mr. PORTER: Joint resolution (H. J. Res. 334) requesting the President to propose the calling of an international conference for the simplification of the calendar, or to accept, on behalf of the United States, an invitation to participate in such a conference; to the Committee on Foreign Affairs.

By Mr. DALLINGER: Joint resolution (H. J. Res. 335) proposing an amendment to the Constitution of the United States authorizing Congress to establish uniform hours and conditions of labor throughout the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACON: A bill (H. R. 14822) for the relief of W. A. Harriman; to the Committee on Claims.

Also, a bill (H. R. 14823) for the relief of Meadow Brook Club; to the Committee on Claims.

By Mr. BRAND of Georgia: A bill (H. R. 14824) to authorize the erection of a tablet or marker in memory of Nancy Hart; to the Committee on the Library.

Also, a bill (H. R. 14825) for the relief of A. M. Hardman; to the Committee on War Claims.

By Mr. BRAND of Ohio: A bill (H. R. 14826) granting an increase of pension to Sarah M. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14827) granting an increase of pension to Nancy M. Hurst; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14828) granting an increase of pension to Cornelia Powell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14829) granting an increase of pension to Bethena Mills; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14830) granting an increase of pension to Sarah McGowan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14831) granting an increase of pension to Harriet E. Bowens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14832) granting an increase of pension to Ada M. Cory; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14833) granting an increase of pension to Jennie Brewer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14834) granting an increase of pension to Matilda Morrow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14835) granting an increase of pension to Elizabeth T. Douglass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14836) granting a pension to Morrow B. Wilson; to the Committee on Pensions.

By Mr. BUCKBEE: A bill (H. R. 14837) granting a pension to Irene Mabel McMathan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14838) granting a pension to Margaret Buckley Paine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14839) granting a pension to William Henry Woodbeck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14840) granting a pension to Earnest J. Wolter; to the Committee on Pensions.

Also, a bill (H. R. 14841) granting an increase of pension to Mary Berry; to the Committee on Pensions.

Also, a bill (H. R. 14842) granting an increase of pension to Alice Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14843) granting an increase of pension to Ida M. Brewer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14844) granting an increase of pension to Mary C. Lindsay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14845) granting an increase of pension to Nettie Graves; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14846) granting an increase of pension to Martha J. Sweet; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 14847) authorizing the President to reappoint Maj. James S. Greene, United States Army, retired, to the active list of the Army; to the Committee on Military Affairs.

By Mr. COCHRAN of Missouri: A bill (H. R. 14848) granting a pension to Mary Agnes Cochrane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14849) granting a pension to Frederick Blackledge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14850) authorizing and directing the United States Employees' Compensation Commission to pay Leo Byrne at the rate of \$100 a month, and for other purposes; to the Committee on Claims.

By Mr. COLLINS: A bill (H. R. 14851) granting a pension to Cornelia A. Parsons; to the Committee on Pensions.

By Mr. CRAIL: A bill (H. R. 14852) granting a pension to Fred J. C. Kronfeld; to the Committee on Pensions.

Also, a bill (H. R. 14853) granting a pension to Marie L. Mallory; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14854) granting a pension to Ralph J. Hardy; to the Committee on Pensions.

Also, a bill (H. R. 14855) granting an increase of pension to Nellie Wilkinson; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 14856) granting a pension to Clara A. Briggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14857) granting an increase of pension to Frances J. Templeton; to the Committee on Invalid Pensions.

By Mr. DEMPSEY: A bill (H. R. 14858) for the relief of the heirs of Jacob D. Hanson; to the Committee on Claims.

By Mr. DICKINSON of Missouri: A bill (H. R. 14859) granting an increase of pension to Lou Ella Shaw; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 14860) for the relief of James L. Wells; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 14861) granting a pension to Marion O. Fulcher; to the Committee on Pensions.

By Mr. ELLIOTT: A bill (H. R. 14862) granting an increase of pension to Jennie Ivison Williams; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 14863) for the relief of Harry Hamlin; to the Committee on Military Affairs.

By Mr. FLETCHER: A bill (H. R. 14864) granting a pension to Luella Rowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14865) granting a pension to Josephine Rowe; to the Committee on Invalid Pensions.

By Mr. FREEMAN: A bill (H. R. 14866) granting a pension to Sarah M. Minson; to the Committee on Invalid Pensions.

By Mr. GIFFORD: A bill (H. R. 14867) granting an increase of pension to Hodges W. Drayton; to the Committee on Pensions.

By Mr. GOLDSBOROUGH: A bill (H. R. 14868) granting a pension to Elizabeth B. Kemp; to the Committee on Pensions.

Also, a bill (H. R. 14869) granting a pension to Addie Conaway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14870) for the relief of Evelyn Harris; to the Committee on Claims.

By Mr. HUGHES: A bill (H. R. 14871) granting a pension to Nora Hicks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14872) granting an increase of pension to Mary Jane McCurdy; to the Committee on Invalid Pensions.

By Mr. IRWIN: A bill (H. R. 14873) for the relief of Chesley P. Key; to the Committee on Claims.

Also, a bill (H. R. 14874) for the relief of Frances Militzer; to the Committee on Claims.

By Mr. KADING: A bill (H. R. 14875) granting an increase of pension to Ida Leonhardt; to the Committee on Invalid Pensions.

By Mr. KEMP: A bill (H. R. 14876) providing for the examination and preliminary survey of Bayou Manchac from the Mississippi River to where it flows into the Amite River; the Amite River from the mouth of Bayou Manchac to Lake Maurepas; Lake Maurepas from the mouth of the Amite River to Pass Manchac; Pass Manchac from Lake Maurepas to Lake Pontchartrain; Lake Pontchartrain from Pass Manchac to the Rigolets at a point which will intersect with the Intracoastal Canal; to the Committee on Rivers and Harbors.

By Mr. KIESS: A bill (H. R. 14877) granting a pension to William D. Embick; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 14878) granting an increase of pension to Hannah Brown; to the Committee on Invalid Pensions.

By Mr. KVALE: A bill (H. R. 14879) for the relief of Henry G. Young; to the Committee on Military Affairs.

Also, a bill (H. R. 14880) for the relief of Melvin Gordon Eldred; to the Committee on Naval Affairs.

By Mr. LINDSAY: A bill (H. R. 14881) granting a pension to Apollonia Bory; to the Committee on Invalid Pensions.

By Mr. McMILLAN: A bill (H. R. 14882) for the relief of James W. Strobel; to the Committee on Claims.

By Mr. McREYNOLDS: A bill (H. R. 14883) granting a pension to Polie Hemby; to the Committee on Pensions.

Also, a bill (H. R. 14884) granting a pension to Sarah Love; to the Committee on Invalid Pensions.

By Mr. MOORMAN: A bill (H. R. 14885) granting a pension to Clarence Dehart; to the Committee on Pensions.

Also, a bill (H. R. 14886) granting a pension to Dena Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14887) granting a pension to Sallie Curtis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14888) granting a pension to Annie E. Kasey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14889) granting a pension to Emma Carman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14890) granting a pension to Nancy Cardwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14891) granting an increase of pension to Mary F. Liles; to the Committee on Pensions.

Also, a bill (H. R. 14892) to correct the military record of Beckham Heath; to the Committee on Military Affairs.

Also, a bill (H. R. 14893) to authorize a preliminary survey of Rough River in Kentucky with a view to the control of its floods; to the Committee on Flood Control.

By Mr. MORROW: A bill (H. R. 14894) granting an increase of pension to Florence J. Tomlinson; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 14895) granting a pension to Sarah R. Bowers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14896) granting an increase of pension to Mary E. Devore; to the Committee on Invalid Pensions.

By Mr. NELSON of Wisconsin: A bill (H. R. 14897) for the relief of Matthias R. Munson; to the Committee on Claims.

By Mr. PURNELL: A bill (H. R. 14898) granting an increase of pension to Mary M. Collier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14899) granting an increase of pension to Violetta F. McCool; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 14900) granting a pension to Margaret Getz; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 14901) granting a pension to Ellen Fletcher; to the Committee on Pensions.

Also, a bill (H. R. 14902) granting a pension to Margaret B. Sutherland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14903) granting an increase of pension to Joseph Woods; to the Committee on Pensions.

By Mr. SUMMERS of Washington: A bill (H. R. 14904) waiving the maximum age limit in the case of First Lieut. William E. Parker, and making him eligible for appointment in the Judge Advocate General's Department, Regular Army; to the Committee on Military Affairs.

By Mr. SWANK: A bill (H. R. 14905) granting an increase of pension to Susan J. Williams; to the Committee on Invalid Pensions.

By Mr. TARVER: A bill (H. R. 14906) granting an increase of pension to Joseph Hixon; to the Committee on Pensions.

Also, a bill (H. R. 14907) granting an increase of pension to Stephen H. Green; to the Committee on Pensions.

Also, a bill (H. R. 14908) granting an increase of pension to George W. Vineyard; to the Committee on Pensions.

Also, a bill (H. R. 14909) granting a pension to Frank Patty; to the Committee on Pensions.

By Mr. WARE: A bill (H. R. 14910) for the relief of Cary Dawson; to the Committee on Claims.

By Mr. WARREN: A bill (H. R. 14911) to authorize a survey from Pamlico Sound to Stumpy Point, N. C.; to the Committee on Rivers and Harbors.

By Mr. WIGGLESWORTH: A bill (H. R. 14912) for the relief of Minnie A. Travers; to the Committee on Claims.

Also, a bill (H. R. 14913) for the relief of Charles McCoombe; to the Committee on Claims.

Also, a bill (H. R. 14914) for the relief of Ruth B. Lincoln; to the Committee on Claims.

Also, a bill (H. R. 14915) for the relief of Frances MacDonald; to the Committee on Claims.

By Mr. WINTER: A bill (H. R. 14916) granting an increase of pension to Nancy A. Lamm; to the committee on Invalid Pensions.

Also, a bill (H. R. 14917) for the relief of the First National Bank, Thermopolis, Wyo.; to the Committee on Banking and Currency.

By Mr. WOODRUFF: A bill (H. R. 14918) granting a pension to Eleanor R. Shepard; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7867. Petition of William A. Kinney, protesting against the flooding of Hawaii with Asiatics and asking a thorough investigation and remedial legislation; to the Committee on Immigration and Naturalization.

7868. By Mr. COMBS: Petition of sundry citizens of Kansas City, Mo., opposing the passage of House bill 78, the Sunday observance bill; to the Committee on the District of Columbia.

7869. Also, petition of sundry citizens of the State of Texas, opposing the passage of Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

7870. By Mr. CRAIL: Petition of Municipal Art Commission of Los Angeles, Calif., indorsing Senate bill 1681; to the Committee on Public Buildings and Grounds.

7871. By Mr. CULLEN: Petition of New York State Association of Letter Carriers, indorsing La Follette-Mead Saturday short workday bill, Dale-Lehlbach retirement bill, and Kelly postal policy bill; to the Committee on the Civil Service.

7872. Also, petition of the New York State Federation of Labor, indorsing Cooper-Hawes bill; to the Committee on Labor.

7873. Also, resolution of the American Federation of Labor, indorsing Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7874. Also, petition of New York State Ladies Auxiliary to New York State Association of Letter Carriers, indorsing Dale-Lehlbach retirement bill; to the Committee on the Civil Service.

7875. By Mr. DALLINGER: Petition of sundry citizens of the State of Massachusetts, favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

7876. By Mr. DAVENPORT: Petition of James H. Prichard, Utica, N. Y., favoring the passage of the Sproul bill (H. R. 11410) to amend the national prohibition act; to the Committee on the Judiciary.

7877. By Mr. HULL of Tennessee (by request): Petition of sundry citizens of Sumner County, Tenn., favoring an amendment to the Constitution relative to the election of Presidents and Vice Presidents; to the Committee on Election of President, Vice President, and Representatives in Congress.

7878. By Mr. KINDRED: Petition of the Bureau for the Suppression of Theft and Pilferage, protesting against the economic waste and loss caused by theft and pilferage in the harbor of New York particularly and throughout the United States generally and urging the passage of an act of Congress imposing the severest penalty possible for the theft and pilferage of merchandise in transit either on land or aboard vessels in any of the waters of the United States; to the Committee on Interstate and Foreign Commerce.

7879. By Mr. LINDSAY: Petition of Chesebro Brothers & Robbins, (Inc.), New York, urging support of House Joint Resolution 303, which includes products of fisheries; to the Committee on Interstate and Foreign Commerce.

7880. By Mr. McCORMACK: Petition of John W. O'Donnell, chairman, retirement committee, State Branch National Federation of Post Office Clerks, 120 Adams Street, Dorchester, Mass., urging early enactment of Senate bill 1727, amending the civil service retirement law; to the Committee on the Civil Service.

7881. By Mr. O'CONNELL: Petition of Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of foreign immigration from Mexico, Central and South America; to the Committee on Immigration and Naturalization.

SENATE

THURSDAY, December 6, 1928

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Eternal Father, with whom a thousand years are as one day, Thou hast called us, whose lives pass as a watch in the night, into Thy service, and as the day is short, the work abundant, the laborers remiss, and the Master presses, make us bold and swift and brave to do Thy will. Write deep in our hearts the suffering and pain of many souls so wearied by the burden and the stress of life, and grant us such a vision of our world and its great need as shall make us instant and eager sharers with Thee in its redemption, now in the great day of our opportunity. Stay, we beseech Thee, the fever in our hearts and help us so to do our work that it shall never need to be undone. Grant this, O loving Father, through Jesus Christ, our Mediator and Redeemer. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 4402) authorizing the Secretary of the Navy to assign to the Chief of Naval Operations the public quarters originally constructed for the Superintendent of the Naval Observatory in the District of Columbia.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 5528. An act to enable electricians, radio electricians, chief electricians, and chief radio electricians to be appointed to the grade of ensign;

H. R. 7209. An act to provide for the care and treatment of naval patients, on the active or retired list, in other Government hospitals when naval hospital facilities are not available;

H. R. 8537. An act for the relief of retired and transferred members of the Naval Reserve Force, Naval Reserve, and Marine Corps Reserve;

H. R. 11616. An act to authorize alterations and repairs to certain naval vessels;

H. R. 13884. An act to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes; and

H. R. 14039. An act to regulate the distribution and promotion of commissioned officers of the line of the Navy, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 10869. An act amending section 764 of Subchapter XII, fraternal beneficial associations, of the Code of Law for the District of Columbia; and

H. R. 13753. An act authorizing an expenditure of certain funds standing to the credit of the Cherokee Nation in the Treasury of the United States to be paid to one of the attorneys for the Cherokee Nation, and for other purposes.

SENATOR FROM DELAWARE

The VICE PRESIDENT laid before the Senate the certificate of election of JOHN G. TOWNSEND, Jr., chosen a Senator from the State of Delaware for the term commencing on the 4th day of March, 1929, which was read and ordered to be placed on file, as follows:

BY AUTHORITY OF THE STATE OF DELAWARE.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

Be it known, an election was held in the State of Delaware on Tuesday, the 6th day of November, A. D. 1928, that being the Tuesday next after the first Monday in said month, in pursuance of the Constitution of the United States and the laws of the State of Delaware, in that behalf, for the election of a Senator for the people of the said State, in the Senate of the United States.

Whereas the official certificates of returns of the said election, held in the several counties of the said State, in due manner made out, signed, and executed, have been delivered to me according to the laws of the said State, by the superior court of the said counties; and having examined said returns, and enumerated and ascertained the number of votes for each and every candidate or person voted for, for such Senator, I have found JOHN G. TOWNSEND, Jr., to be the person highest in vote, and therefore duly elected Senator of and for the said State in the Senate of the United States for the constitutional term to commence on the 4th day of March, A. D. 1929.

I, Robert E. Robinson, governor, do, therefore, according to the form of the act of the general assembly of the said State and of the act of Congress of the United States, in such case made and provided, declare the said JOHN G. TOWNSEND, Jr., the person highest in vote at the election aforesaid, and therefore duly and legally elected Senator of and for the said State of Delaware in the Senate of the United States, for the constitutional term to commence on the 4th day of March, A. D. 1929.

Given under my hand and the great seal of the said State, in obedience to the said act of the general assembly and of the said act of Congress, at Dover, the 19th day of November, A. D. 1928, and in the year of the independence of the United States of America the one hundred and fifty-third.

By the governor:

[SEAL]

ROBT. P. ROBINSON.
CHARLES H. GRANTLAND,
Secretary of State.

SENATOR FROM NEW JERSEY

Mr. EDGE presented the certificate of election of HAMILTON F. KEAN, chosen a Senator from the State of New Jersey for the term commencing on the 4th day of March, 1929, which was read and ordered to be filed, as follows:

THE STATE OF NEW JERSEY

I, A. Harry Moore, Governor of the State of New Jersey, do hereby certify that at an election held in the said State on the 6th day of November, 1928, HAMILTON F. KEAN was duly chosen and elected by the people of the said State of New Jersey to be a Member of the United States Senate for the term of six years, beginning on the 4th day of March.

In testimony whereof I have hereunto set my hand and caused the great seal of the State of New Jersey to be hereunto affixed at Trenton